Preface

To Franklin Delano Roosevelt, President of the United States of America and to the Honorable Harlan Fiske Stone, Chief Justice, and to the other Honorable Judges of the Supremé Court of the United States—I, Gretta Lafuente, citizen of United States, do respectfully motion for leave to file this petition for hearing by the Supreme Court of the United States after decision by the Supreme Court of California.

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(b) Article VI (see petition to Supreme Court of California 2nd Civil No. 12645, p. 9 herewith.)

TABLE OF AUTHORITIES CITED

1. Appellant's Rights Flagrantly Disregarded. Appellant's Opening Brief in District Court of Appeal, Civil No. 12645, page 53.
2. Appellant's Opening Brief in District Court of Appeal Civil No. 12645.
3. Appellant's Reply Brief in District Court of Appeal Civil No. 12645.
4. California Law Review, Vol. 26, 1937, 1938, pp. 338-340.
5. Civil Code Section 1485 to 1606.
6. Earl Warren, Attorney General's Letter; Respondent Reply Brief in District Court of Appeal Civil No. 12645, p. 10 and 11.
7. United States Constitution, Article VI.
8. United States Constitution, Amendment XIV.
9. Webster's New Dictionary, Second Edition Unabridged, pp. 31, 854, 2534.
10. Weekly Law Digest, J. Mason Wiegel, Vol. 4, California, 1940, p. 81, Attorney General's Opinions.
11. Welfare and Institutional Code from 1929.
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Petition for Review by the Supreme Court of the United States

CASE NO. { 437600 / 2ND CIVIL 12645 / L. A. 18258

CASE OF COUNTY OF LOS ANGELES,
Plaintiff and Respondent

vs.

GRETTA LAFUENTE, *in Propia Persona*
202 S. Sepulveda Blvd.
West Los Angeles, California
Defendant and Appellant

APPEAL FROM THE SUPREME COURT OF THE STATE OF CALIFORNIA

To Franklin Delano Roosevelt, President of United States of America and to the Honorable Harlan Fiske Stone, Chief Justice, and to the other Honorable Judges of the Supreme Court of United States—I, Gretta Lafuente, citizen of United States, defendant, pray for a writ of certiorari to appeal for the United States Supreme Court to review this case from the judgement of the Supreme Court of California on September 29, 1942, Case was appealed from the lower court decision of Dec. 27, 1938. This decision was affirmed on Dec. 2, 1941, in the District Court of Appeal. The State of California Supreme Court decision on September 29, 1942, affirmed.

SUPREME COURT OF THE UNITED STATES

October TERM, 1942

No. 18258

GRETTA LAFUENTE, *Petitioner*

vs.

COUNTY OF LOS ANGELES, *Respondent*

JURISDICTIONAL STATEMENT

1. To sustain the jurisdiction of the petition herewith presented, please see copy of *United States Constitution, Article VI,* and *Amendment XIV,* on *page* 8, 9, 10 *of Supporting Brief herewith,* also Section 237 (b) Judicial Code (28 U.S.C. Sec. 344), the pertinent provisions applicable to said petition reading:

"(b) It shall be competent for the Supreme Court, by certiorari, to require that there be certified to it for review and determination, with the same power and authority and with like effect as if brought up by writ of error, any cause wherein a final judgement or decree has been rendered or passed by the highest court of the state in which a decision could be had * * * where any title, right, privilege, or immunity is specially set up or claimed by either party under the Constitution, or any treaty or statute of, or commission held or authority exercised under, the United States; and the power to

review under this paragraph may be exercised as well where the Federal claim is sustained as where it is denied."

2. The judgement sought to be reviewed by the petition herein was rendered by the Supreme Court of the State of California, September 29, 1942.

3. The decision sought to be reviewed involves the question of equal protection under the laws. In making judgement in this case the Hon. Judge Edward R. Brand of the lower court and Hon. John M. York, Hon. Hartley Shaw, and Hon. Thomas White of the Appellate Court and Phil S. Gibson, Chief Justice, and Associate Justices Frederick W. Houser, John W. Shenk, Jesse W. Curtis, Douglas L. Edwards, Jesse W. Carter and Roger J. Traynor of the Supreme Court of California concerned their considerations and decisions on the parent's right to receive aid. However, this case was directed against *petitioner* (and though in the course of the trial in tracing the history of the law, etc., such matters are referred to for the purpose of making more clear petitioner's position, it is against petitioner this case is directed and it is from petitioner the County of Los Angeles was asking reimbursement for money they had given out without petitioner's consent and even without her knowledge, even though she is under the responsibility to support; the law even specifically stating that adult children's responsibility is that of supporting, not of giving financial aid.

In the tracing of the history of the law, though it was pertinent to consider other related questions, yet the case rests on Appellant's rights, not her parent's rights,

since it is she who is being sued. Therefore, as far as parents' rights, she would not be expected to take it on her shoulders to argue that matter since the Appellate Court and the Supreme Court of California have handed down such a fortunate solution for old people. We should congratulate them for such a victory. So old people's fate we may consider settled by their decision, that is that old people may have a pension whether they have adult children or not. The question is, can this financial cost be shifted to adult children? So now, for goodness sake, since this is the last court of appeal, let us consider this, nor can we consider it without giving consideration to the rights of the adult child. From the first trial in the Superior Court, Appellant has claimed, quoting: "her rights being flagrantly denied" on through the Appellate and Supreme Court. In spite of her appeals, none of the courts have paid any attention to her rights in spite of the fact that she was the one being sued (it cannot be that they believe adult children must do just what they are told in Hitler-ite fashion regardless of the law. It must have been that they were so absorbed in taking care of the old people properly. Now that part is done and done well. The adult children also are a group of citizens also worthy of consideration and *even it is of more importance* that their rights be considered in this trial coming up as they do, *to insure the dignity of all humans, the dignity of the individual.* The adult child is specifically given their responsibility in the law, namely "the responsibility to support" by the State of California Civil Code, Title II, Chap. I, Sec. 206 (quoted verbatim, p. 6, Bk. II herewith and Sec. 2224 Welfare and Inst.

Code of Calif. (see quoted verbatim, p. 2, Bk. I herewith) *the statute* under which this case was begun and which is *invalid* by the decision as it now stands for the Supreme Court wishes to make adult children responsible to give *financial* aid by its decision affirming when the law gives adult children *only the responsibility to support* and financial aid to be forced upon them by law only when they *refuse* their responsibility to support. Support does not mean cash payments. Petitioner has always furnished support and never denied it but even offered it. The lower court findings stated that she had never offered "financial aid"; however, the law obligates her only to support. Also the Appellate Court and the Supreme Court of California affirmed that her offer of support constitutes no defense, yet there never has been a trial directed against Appellant claiming her to be without ability to care for her dependents, she cares for her eighteen year old son; Without proof of her wrongdoing, for the Supreme Court of California says in its findings, quoting: *"For there is no evidence to support the court's finding that the Appellant was not ready, able and willing to support her parents or that she made no offer to support them in adequate living quarters." "Upon this record, therefore, the question is whether a child . . . may be compelled to reimburse a county . . . for old age benefits if the parent has refused to live with the child in reasonable suitable quarters,"* Appellant is being sued. The Supreme Court should have considered her rights since the law specifically states her responsibility to be

"responsibility to support." If it had meant *financial aid in the form of cash payments* if the parents refused support it would have so stated and anything additional cannot be read into the law because it goes on to provide for forcing children to make cash payments who are unwilling to take their responsibility to support.

This leaves petitioner at loss to understand; has she no rights in the matter? Can the County take her rights without proof of her wrongdoing? Is she to be helpless in the matter, left insecure, without mercy or law to protect her, the authorities using the Old Age Security Law not to protect old people as it is meant, but as a scheme to destroy adult children. Petitioner claims the right *under the United States Constitution, Article VI,* and *Amendment XIV* (see Book I, p. 8, 9 herewith) to be protected with equal rights under the law since her right to *support* her dependents (not make cash payments) must be considered *when asking for reimbursement* from her for money *given,* since she has equal rights of protection under the law *for her rights to be equally considered,* the same as parents' and county's rights are considered, especially since she is the one being sued. Her parents refuse to partake of their support furnished by her their adult child because they get money from the county. There is nothing she can do about it. "The cat comes to the milk, not the milk to the cat." Since the County gives them money (the County, by the way, gave it to them secretly for years before the County notified Appellant, and then the parents refused Appellant. Because they have gotten this money, they continue to refuse) so the County

gives it as a free gift and we have a pension for old people in California paid by the state which is certainly a great deal better than unconstitutional injustice to worthy adult children whom selfish interests are trying to make the goat, and circumstances created for questions to arise in the family which are bound to break the unity of that most sacred institution, the unit of the nation, "Divide it to Conquer." Reimbursement cannot justly be claimed from petitioner for she has done no wrong and cannot be denied her right to furnish support to herself or her own. "A man's home is his castle." Cash payments cannot be forced from her even though it would be convenient for the County of Los Angeles.

Petitioner relies on the United States Constitution, Article VI, and *Amendment XIV*. Also State of California, Civil Code, Title II, Chap. I, Sec. 206; Sec. 2224 Welfare and Institutions Code, State of California, Statute Welfare and Institutions Code in effect August 14, 1929, Chap. 530, p. 914, Sec. I, on which Amendment 1937, Sec. 2224 was formed, California Civil Code Sections 1427, 1485 to 1505, 1496, 1501, 1511, 1512, 1515, 1606, 2004 and 2007. There are no other cases, petitioner's is the first, since, when the collection department threatened her that it would cost her job if she did not pay, she demanded that it be brought to trial. (By the way, she has lost her job, which nearly made it impossible for her to get to the United States Supreme Court.) When it comes to such circumstances that a school teacher can be so threatened, what kind of blackguard schemes are the people as a whole subject to. Such a situation would result in unethical actions

of the public officers where pressures could be brought to bear on them to perjure their souls for their salaries, unjust pressures brought to bear on adult children and disagreements fostered in the homes ending in hard feelings and broken homes. "Divide and Conquer."

4. The decision of the Supreme Court if allowed to stand is contrary to everything our Constitution of United States stands for in regard to protection of individual rights. It leaves a loophole for unscrupulous political maneuvering whereby "interests" can hold government employees at their beck and call, who in turn can play tricks on the people with false pressures to absolutely destroy them. The Constitution of United States is their only protection to keep the people from becoming worms, otherwise at the end of the day after you had worked hard and honestly you could beg to be free from their tricks, as if begging would do any good, for they would have you where they could put their foot on your neck at any time they wished and you would have no rights but to squirm. The people of California are a part of the United States and there is a limit to how much any person can be abused in any state in the United States.

5. The grounds set forth were raised before the California courts at every stage of the proceedings in every way asking that petitioner's rights not be denied her. That was the one question to which all argument was directed. However, although presented fully by briefs and argument from the "Statement of Question Involved" and "Specifications of Errors." through "Argument" and Conclusion, everything but Petitioner's Rights or what gave them the right to deprive her of

her right was considered. They seemed to forget that it takes a considerable process of law to deprive a person of their rights in a democratic country such as our own, especially difficult to deprive them of the right to care for themselves and their own. "A man's home is his kingdom." (See Opin. of Superior Court, Append., Preface herewith given Dec. 27, 1938.) The Superior Court held that Appellant had not offered financial aid, a term originated by that court; the law says responsibility to support, support does not mean cash payments. This first court also claimed Appellant's home inadequate on unproved evidence and brought up for the first time in the rebuttal of the trial after two hours for lunch since in the morning the Plaintiff had been forced to stipulate after the Plaintiff and the Court had questioned Appellant in regard to her furnishing and offering support, that Appellant did furnish support. They stipulated because Appellant had written evidence which gave overwhelming proof and because they wanted to stop the flow of this evidence which was damaging against the County. The trial should have been over then and the Plaintiff was asking the Court for two minutes to close before noon. Thus they attempted to force Appellant to reimburse the County for money which they had already paid out secretly for years and approached Appellant when they had secretly piled up enough that they knew she could not pay it. (See Opin. in full, Append. Preface p.1-21 herewith.) The Appellate Court and Supreme Court of California merely declared a parent could live where they wanted regardless of anything and a child would have to pay for it. They disregarded the fact that the adult child is

obligated to support only and that support does not mean cash payments.

Following are pertinent examples of Petitioner's efforts to maintain her personal rights, (see p. I-P herewith). Transcript of Record, see (Rep. Tr. p. 72, l 16-18 and Rep. Tr. p. 74, l 1-6). By Mrs. Lafuente. Q.: "Did Mr. Huffman threaten my job? A. Yes. Q.: by Mrs. Lafuente: I wrote down at that time Mr. Huffman said: I said, 'Are you threatening my job? You could not touch that.' And he said, 'Oh, yes we could!' Did Mr. Huffman say that and I wrote it down right after we left the office?' "

The Court: "Do you recall that?"
A. by Donald Lafuente: "Yes."

See Appellant's Opening Brief in District Court of Appeals, Civil No. 12645, p. 52, 53 and 39. "Appellant's rights were flagrantly disregarded. She was blackmailed for money." "Is it a material issue whether Appellant offered financial aid since she offered support? The law says, "support." "The threads of society must recognize eternal truths in order to hold together: Respect for law and consideration for the rights of others." "When the relief department started collection, if they had anything against Appellant's home they would have said so instead of threatening Appellant's job." (Quoting Appellant's Opening Brief in District Court of Appeal in the Statement of Questions Involved—Preface: "Must an adult child pay a pension to Parents" and in the Specification of Errors, p. 11, "Second: The Court erred in construing the law to mean pay when it says support." Yet the Appellate Court on December 2, 1941 (see Opinion, Appendix,

p. 1-10 herewith) held that to furnish support and offer to so care for one's responsibility to support one's dependent (which support had always been furnished and never denied and even offered when Appellant learned what was going on secretly from her) yet the Court declares such furnishing support constitutes no defense to petitioner but that cash payments can be forced from her in spite of the fact that the law provides for cash payments only from wrongdoers who refuse to support their dependents as the law provides that they should do. In referring to responsibility to dependents the law says responsibility to support—not cash payments. The rights of an individual are entirely overlooked as well as the fact that it takes a considerable process of law to deprive a person of their rights in a democratic country such as our own and ask reimbursement. *See Appellant's Opening Brief to the Supreme Court of California, Second Civil No.* 12645 *on April* 7, 1942, and *Appellant's Reply Brief after Oral Argument L. A. No.* 18258, May 15, 1942, these same briefs herewith also used for Petitioner's Supporting Brief to this petition. Here again the one question being Appellant's rights.

6. The Supreme Court (see Opin. herewith, Append. p. 11-21) affirmed that a child . . . may be compelled to reimburse a county . . . for old age benefits if the parent has refused to live with the child in reasonable suitable quarters.' The 'responsibility to support' stated by the law being interpreted as 'responsibility to give financial aid,, making the law invalid since support means food, lodging, etc. If the law wanted to force cash payments and make adult children responsible for

financial aid they certainly would not have said, 'responsibility to support.'

Petitioner respectfully submits that this petition and the matters set forth therein are within the jurisdiction of this Court.

Dated: November 23, 1942, Los Angeles, California.

GRETTA LAFUENTE, *Petitioner,*
In Propia Persona.

SUPREME COURT OF THE UNITED STATES

October TERM, 1942

No. 18258

GRETTA LAFUENTE, *Petitioner*

vs.

COUNTY OF LOS ANGELES, *Respondent*

PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF THE STATE OF CALIFORNIA

To Franklin Delano Roosevelt, President of United States, and to the Honorable Chief Justice, Harlan Fiske Stone, and the Associate Justices of the Supreme Court of the United States:

The petition of the above named petitioner respectfully shows to this Honorable Court:

I.

Summary and Short Statement of the Matter Involved in this Case:

(See herewith, p. b-1) Jurisdictional Statement and p. 2, 3, 4, 11, 12, 13, 14 of Brief in Support of this petition herewith and Transcript of Record herewith, p. I-P following.

II.

Reasons Relied on for the Issuance of the Writ

(a) The case involves questions of importance which it is to the public interest to have decided by the court of last resort.

(b) The Court's Decision has the effect to deny the validity of the State's statutes, Section 2224 Welfare and Institutional Code; State of Calif., Stats., Chap. 530, p. 914, State of California Civil Code, Title II, Chap. I, Section 206.

(c) The personal rights of an individual are denied.

(d) The necessity of legal proceedings to deny personal rights is made void.

(e) The necessity of proving wrong doing before exacting penalty is denied.

(f) The injustice of taxing an individual secretly for years without trial to show cause is denied.

(g) Personal Rights guaranteed by the Constitution of United States are repugnant to the decision.

(h) Adult children are denied equal rights for their rights to be equally considered under the law with County and Parent's rights.

(i) The Statute is questioned by the exactly opposite interpretations in the Appellate Court by Hon. Hartley Shaw J., and Hon. John M. York J., opposing the views of Thomas P. White J., and also Earl Warren, Attorney General, has an opposing view. In the Supreme Court of California, Phil S. Gibson, Chief Justice; Associate Justices: John W. Shenk, Jesse W. Curtis, Douglas L. Edmonds, Frederick W. Houser, Jesse W. Carter, Roger J. Traynor, again question the

validity of the law which states that adult children are responsible to support but by its decision, the Supreme Court changes that to 'responsibility to give financial aid,' which makes the law invalid. The Court again fails to recognize that the law *specifically states* in Sec. 2224, the Old Age Security Law (Welfare and Institutions Code), that adult children are responsible to support, quoting: 'Their responsibility to support.' Then the County would not be given a cause of action against said relatives unless they had refused their responsibility. In the original 1929 Code, the County refused to aid parents who had adult children, thus forcing the parents themselves to do the suing against children unwilling to accept their legal responsibility. The Court proceeds with considerable discussion of matters not pertinent to the question. Appellant answers that primarily her interest is that *her* rights be observed and then any tracing of the history of the law, etc., that is indulged in ultimately lead to uphold her in this. That by the decisions of the Appellate Court and the Supreme Court of Calif., old people are given the right to accept or reject the support they receive furnished by their adult child, appellant rejoices with them at this victory over sordidness. Their decision has definitely established this right to old people. And it is good. But we go on to be able to rejoice in the dignity of every individual with prejudice or malice toward none. In this trial we must not forget entirely the rights of the adult child either, because of our enthusiasm over the victory for the old people. Now, we must consider the adult children's rights in order to preserve the dignity of all and be prejudiced toward none. For to deny any

group equal rights for their rights to be considered would be decidedly backsliding. So we must start out recognizing the fact that the law says nothing about financial aid being a responsibility of adult children. The Court fails to realize Appellant's argument when showing that the county "secretly" extended aid to her parents from 1934 to the spring of 1937 without her knowledge and prior to any demand upon her to support them, is far from immaterial even though they sued from October, 1937. For it showed some "goings on" here; quite unusual interest, out of the ordinary to have these old people accept old age benefits and particularly impressive when we recall the evidence that the father had torn up their application and nearly thrown out their Mrs. Youngman once and also that after they did contact Appellant after they had been paying for a few years they asked Appellant to sign that she could *not* support her parents. When she refused, they "secretly" *again* paid not one parent only as before, but both parents, telling Appellant when she inquired whether her brother-in-law had begun again to support them in return for care of his wife as he had for ten years previously, that that was confidential information and instructing her in writing to wait for her father to notify her or the Charity Department to notify her of her parents' willingness to come. Then they secretly continued paying this money until they had accumulated a bill of nearly a thousand dollars. When they have "secretly" gotten this bill to a size they feel quite sure Appellant could not pay, then for the first time their collection department lets Appellant know for the first time since they gave her written instruc-

tions to wait, what has been going on again, namely, the paying out of this money secretly and then demand payment or it would cost her job. (By the way, she has lost her job). No, anything that gives light on such doings could not be considered immaterial, also we might look forward to what awaits Appellant if she loses this trial, with inflation's rise in valuation of her home—they can steal that from her even though she has a homestead for the value would rise over the five thousand homestead protection of the United States Government and any five thousand dollars cash she would get by then with inflation prices would be such that she could not buy much and her life's accumulation of a home would be lost to her. A nice opportunity for shark business to be profitable.

To accept their legal old age benefits as enacted in 1929 the old age Security Act (Stats. 1929, Chap. 530, p. 914)—after other specific requirements, requires one must have "no children or other person able to support him and responsible under the law of this state for his support," the statute apparently contemplated that an aged person neglected by a responsible relative should enforce that liability by legal action (Civil Code Sec. 206, see note 26, Cal. L, Rev. 339-340.) The same was true under the amended statute in 1935, pp. 1767-68, Sec. 2. "Aid may be granted . . . to any person who . . . has no relative . . . child . . . responsible under the law of this state for his support.

In the 1937 law you again have the same wording (see 1937 Amend., Sec. 2160f, see Append. p. 16 here), the only change being that if the responsible relative refused to furnish their legal responsibility to support,

then instead of the old people having to enforce their legal rights the County did it for them, considering that it was difficult for old people to sue children unwilling to accept their responsibility to support probably, but we must not at any time lose sight of the fact that in regard to the responsibility of the adult child the wording has remained the same throughout as found in the original statute, 1929, Chap. 530, p. 914, as enacted in 1929, the Old Age Security Act, children "responsible under the law of this state to support" and again repeated in Sec. 2224 the very section under which this case was begun "their responsibility to support." So the Supreme Court of California is presuming too much when they presume that the state legislature meant to drop that clause for not only does it appear twice in its proper place but it IS there and there is no denying it, so the legislature did not have in mind financial aid but support as adult children's responsibility or we can assume it would not be so written in.

(j) The decision of the Court is repugnant in view of consideration of rights of adult children and their right to support (not cash payments) a responsibility under the statute of the complaint.

(k) The rights of the County, the parents, and the adult child are in conflict.

(l) The right of the adult child as a group and as individuals was neglected and the rights of the County and parents privileged.

(m) Adult children are denied equal rights under the law to the County and parents.

(n) Personal rights guaranteed by the United States Constitution and its Amendments are repugnant to

the decision of the Court or the decision of the Court questions the validity of the state's statute, Sec. 2224 Welfare and Institutional Code under which this action was begun, by disregarding the words "support" and "their responsibility to support," in favor of the County and parents.

Statutes: Action based upon a statutory liability placed on defendant pursuant to Sec. 2224 of the Welfare and Institutions Code, see copy, p. 2, supporting brief herewith, some questions:

(a) Can a statute be repugnant to itself? If a person has a liability of responsibility to support and furnishes support and never denies such support, without action stating cause and without proving that that person is incapable of using their rights can their said rights and responsibilities be taken over by the State or County and they forced to reimburse for secret theft of their responsibility for years.

(b) Can personal rights be taken away without due process of law?

(c) Can the Court consider the privileges and rights of one class of people, namely, the County and parents and not consider the privileges and rights of another class of people, namely, adult children.

(d) Can the Court sanction the County taking over a person's rights without first proving that that person is incompetent, incapable or unworthy of exercising those rights.

(e) Can the Court interpret the law to favor one group of people as privileged, namely, old needy people as against another group of people, namely, adult chil-

dren, or must both groups be given equal consideration under the law in view of what the law says.

(f) Can the Court by its decision make invalid the statute under which the action of the case is brought?

(g) Is not a judge bound by the Constitution of the United States Amendment XIV to give equal protection under the law, privileging none?

(h) Are not all judges bound by Article VI of the United States Constitution to observe that Constitution?

(i) Can the Court interpret the law as meaning cash payments when it says support?

(j) Is it not true that a judge is bound to consider all relevant evidence on both sides and from angles fair to both sides, privileging none.

—I—

Transcript of Record Needed by Petitioner

INDEX

(Please note that these index page references sometimes only are more or less helpful but not to be substituted for complete reading.)

I. Case rests on Interpretation of Statute.

(a) Support interpolated by Courts to mean financial aid in form of cash payments, p. J, Appendix, Preface to p. 21.

II. Appellant's Right Denied, p. J-P.

III. Statute under which case commenced, Sec. 2224 Welfare and Institutions Code of California, in petition to Supreme Court 2nd Civil No. 12645, p. 2.

IV. Civil Code of California, Title II, Chap. I, Sec. 206. to Calif. Supreme Court Reply Brief, L. A. 18258, p. 6.

V. Courts decisions, Appendix, preface to p. 21.

VI. Appellant's California Supreme Court Brief, Book I, Preface to p. 21, Book II, p. 1-19.

VII. Written Evidence in Case, p. M-O.

VIII. The Supreme Court of California Upholds Appellant in everything except: (Appendix, p. 11-21)

(a) Court entirely ignores Appellant's United States Consitutional Rights, p. J-M.

(b) Court disregard fact that their decision makes the state law invalid, p. J.

(c) Decisions of Supreme Court of California, p. 11-21.

IX. United States Constitution, p. 8-10.

(a) Amendment XIV (see petition to Supreme Court of California 2nd Civil No. 12645, p. 8 herewith.)

(b) Article VI (see petition to Supreme Court of California 2nd Civil No. 12645, p. 9 herewith.)

Transcript of Record Needed by Petitioner with Interpretation

Since this case rests on the interpretation of Sec. 2224 Welfare and Institutional Code of California in view of petitioner's rights the following is all the record needed by Petitioner:

Statement showing the nature of the case:

It is admitted by Respondent that Appellant did offer to support her parents in her home to her parents and to the Department of Charities (see Rep. Tr. p. 54 l 13-20) (p. 58 l 13-18) (p. 75 l 7-26) (p. 78 l 5-12) (p. 45 l 12-3) (p. 53 l 23-24) (see App. Op. Br. in Appellate Court, p. 26-29) (quoting Opinion in Appellate Court, p. 4, in this regard) *"Since we conclude that a mere offer such as defendant made constitutes no defense to this action."* (See Sup. Court of Calif., decision, Append., p. 11-21, herewith: . . . *"there is no evidence to support the court's finding that the Appellant was not ready, able, and willing to support her parents or that she made no offer to support them in adequate living quarters,"* (yet the Supreme Court by affirming judgement does not consider furnishing support by a responsible relative, Appellant, affecting the liability of Appellant to reimburse the County for aid extended. *Evidenlty the Supreme Court is changing the law thereby making the law invalid* by affirming it necessary for an adult child to take the responsibility to give financial aid when the law says: *"responsibility to support."*

It is not denied that this money was given secretly by the Department of Charities. It is not denied that the money was given the father first since *November* 30, 1934, stopping *April* 1st, 1937, commencing again

October 1st, 1937, from which time Appellant was sued. *The mother's payments came later, commencing February* 1st, 1938 (See Rep. Tr., p. 16 l 1-26) (p. 17 l 1-13) (p 6 l 22-26) (See App. Op. Br. to Apellate Court, p. 33 & 34), and written evidence of petitioner following herewith, p. M-O, which concerns itself only with her father who never testified while the mother spoke of herself. It is not denied that there was no trial set up to take away Appellant's right to support her parents. The state just took over Appellant's rights secretly and began paying money to Appellant's father, November 30, 1934. It is not denied that the first testimony against Appellant's home was in the Respondent's rebuttal in the trial court and the first mention against Appellant's compatibility was in Respondent's Reply Brief in the Apellate Court. In both instances Appellant claims—and the Supreme Court of California upholds her in this—unproved for lack of evidence. Also if they had any objections the time to have made them would have been when they first started paying money secretly and again the second time they began secretly paying money. Also there was not even any sense to their attempted objections to Appellant's compatibility or her home adequacy which the Respondent brought up for the first time the last minute in his rebuttal on trial since it is undenied that Appellant lived in a different house when money was first given, and the parent who testified against her in regard to herself was her mother and she did not receive money until February 1, 1938.

Record in Regard to Collection Department of Los Angeles County Charities efforts to force money from Petitioner, disregarding her rights. (See Rep. Tr. p. 72 l

16-18) (p. 74 l 1-6).

By Mrs. Lafuente. Q.: "Did Mr. Hoffman threaten my job?"

A.: "Yes."

Q.by Mrs. Lafuente: "I wrote down at that time. Mr. Hoffman said—I said: "Are you threatening my job? You could not touch that. And he said, "Oh, yes we could!" Did Mr. Hoffman say that, and I wrote it down right after we left the office?"

The Court: "Do you recall that?"

A. by Donald Lafuente: "Yes."

This is repeated in Appellant's Opening Brief, p. 39, and concludes p. 52 & 53. "Appellant's rights were flagrantly disregarded. She was blackmailed for money." "The threads of society must recognize eternal truths in order to hold together: Respect for law and consideration for the rights of others."

On p. 52: "Is it a material issue whether Appellant offered financial aid since she offered support?"

The law says under Sec. 2224 Welfare and Institutional Code: "pecuniarily able to support."

(See Preface Appellate's Opening Brief, Civil No. 12645 in District Court of Appeal.) "PREFACE: Statement of Questions Involved: Must an adult child pay a pension to parents or may they be supported in the adult child's home? When should an objection to offer be made?"

See Rep. Tr. No. 437600, p. 31 4 & 5 and App. Op. Br. in Appellate Court, p. 22-26 and p. 2 herewith verbatim. Also in full, Sec. 2224 Welfare and Institutions Code, quoting under Amendment 1937 which this case would come under: "If the person receiving aid has within the state an adult child pecuniarily able to

support said person— their *responsibility* to *support* (see App. Op. Br. in Appellate Court, Civil No. 12645, p. 11: "The Court erred in construing the law to mean pay when it says support. Because Appellant can pay in the home it does not mean that she can pay out of the home. The Court erred in construing evidence material which did not prove inadequacy of living quarters offered and in not noticing the tardiness of this objection" p. 33 and 34. "Certainly the reason for giving relief money since November 30, 1934 to April 1, 1937 before Appellant was visited was not because Appellant's home was inadequate for the home hadn't been seen. Appellant was living at that time in the duplex at 234 S. Tower Dr., Beverly Hills (a different house). Yet relief money was given." (See Rep. Tr. p. 16 l 1 to 26; p. 17 l 1-13). "Date payments shall commence (to father only) November 30, 1934." (Repeated in App. Op. Brief in Appellate Court, Civil No. 12645, p. 30-33 and App. Reply Brief, p. 12 and 13.

The Supporting Brief used to this court herewith is the same as the Brief in Petition for Hearing to the Supreme Court of California, 2nd Civil No. 12645 and the Reply Brief, L. A. No. 18258 herewith, Book I & II, in full, with p. 20-22 added.

Following are copies of Appellant's written evidence in this case in addition to what has been given above (see Rep. Tr. p. 47 l 22-26) (p. 48 l 1 and 2). This first is the paper Appellant went up town to get from the Director of the Los Angeles Department of Charities after the first visitor, Mrs. Ackens, insisted that Appellant sign that she could not support her father which Appellant would not sign and went up town and asked

the Director to sign this paper which the Director, Mercy Z. Hutchings, signed.

"April 5, 1937

"Gretta Gray Lafuente was visited on March 23, 1937 for the first time and told for the first time that her father was asking support from the state. She answered all questions freely and frankly. When asked if her father could live with her she agreed. She was instructed her father would be mailed a letter to that effect by the state.

Mercy Z. Hutchings,
Director Ast. Dist. No. 10."

Then the following letter was given Appellant and she was told that one was sent to her father.

"April 2, 1937.

Mr. Parker Gray
5446 Romaine St., Los Angeles, Calif.
Dear Mr. Gray:

After carefully reviewing the Relative Statement of your daughter, Mrs. Gretta Lafuente, the Department feels her income in sufficient to assume her legal responsibility for your support. Therefore, your case will be closed as of April 1st, 1937.

Yours very truly,
Department of Charities
Special Aid Division,
L. C. Schreiber, Asst. Dir.

By Marie Acken, Visitor Bureau of Indigent Relief Adult State Aid No. 10."

The following letter was the last until Mr. Hoffman started collection. Though they had quieted Appellant money continued to be paid.

—O—

"April 7, 1937.

"April 7, 1937. Gretta Gray Lafuente reported today to Department of Charities Special Aid Division Bureau of Indigent Relief at 434 S. San Pedro St., Los Angeles. She reported that she went on April 5th and again with her son on April 7th, 1937 to her father at 5446 Romaine St., Los Angeles, offering her father a home with her. He refused to accept her offer. She was then instructed by the Adult State Aid of the Department of Charities that she should wait for her father to notify her or the State Department to notify her if her father decided to change his mind and come. Also she notified the state department that if they wished to get in touch with her to send her a letter to 234 S. Tower Dr., Beverly Hills, or they could find her any school day at Lafayette Junior High School, Los Angeles.

Mercy Z. Hutchings, Director 10 Asst."

This was especially treacherous to quiet Appellant by the Director signing the above letter, yet to continue giving out money which Appellant was to know about when Mr. Hoffman started collection and threatened Appellant it would cost her job if she did not pay. (See Petitioner's, Transcript of Record, p. L herewith.)

The above record is all that Appellant needs with her two Briefs to the Sup. Court of Calif. herewith, Bk. I & II, to p. 20, since this case rests merely on the interpretation of the statute under which this action was begun, especially considering Appellant's rights as an individual and as an adult child and considering the words in the law. Support does not mean cash payments. The law even specifically states adult children's responsibility is to support and any decision placing

additional responsibility such as financial responsibility without proof of refusal to accept responsibility to support would make the law invalid and deny to Appellant equal rights under the law for her rights to be given equal consideration with the rights of the county the same as parents rights have been successfully considered.

The Supreme Court of California upholds Appellant in everything except it does not pay any attention whatsoever to her United States Constitutional rights and *her claims for those rights receives ABSOLUTELY NO CONSIDERATION,* also the fact that their decision would make the state law invalid receives no consideration. This whole case rests on the fact that support does not mean financial aid in the form of cash payments.

—Q—

PRAECIPE

Petitioner hereby stipulates and notifies Respondent as per Rules of Supreme Court of United States (see Rule 38 paragraph 8) that all matter not essential to a consideration of the questions presented by the petition for the writ should be omitted where it is necessary to print the record since when it is shown that unnecessary parts of the record have been printed although a reasonable effort was made by one of the parties to secure the printing of a proper record such order as to costs may be made to the offending party as the Court may deem proper.

PETITIONER'S CONTENTIONS

Cash payments cannot be forced from petitioner unless it is first proved before the authorities take her responsibility that they have a right to take it. They would have to prove first that she is unworthy of her responsibility before they take it away from her expecting reimbursement. Responsibility to support does not mean to make cash payments. The adult child's rights also must be considered.

RESPONDENT'S CONTENTIONS

Respondent just does not take into consideration the adult child's rights, Appellant's rights. He does not consider the question that responsibility to support does not mean make cash payments and that you cannot read into the law additional requirements especially when responsibility has been specifically stated as to just what responsibility is given an adult child. Also that adult child cannot be punished and forced to give financial assistance unless she refuse to accept her responsibility to support as given her by the law. In 1929 the original law, the parent had to sue unwilling adult children, also under the 1935 Amendment. In the 1937 Amendment the county counsel does it for them, but only in the case the child refuses its responsibility to support as specifically stated in the law.

PETITIONER'S ANSWER TO RESPONDENT'S CONTENTIONS

A person's rights are the most important thing to be considered as they are the basis of our Constitution

as well as the Amendments. Therefore, petitioner's rights are the first rights to be considered since it is being attempted to force money from her without proof of her wrongdoing to the contrary it is distinctly brought out that she had always done her duty having always furnished support, offered it and even offered to do anything to please the authorities and parent's wishes if they would tell her what further they wished her to do other than to make cash payments. She is given the right and responsibility to support by law. It is very easy to settle the problem that the old people want pensions by sitting back and saying, "Let the children be the 'goat'; let them save the taxpayers money by forcing them to pay the pension." But if you happen to be a worthy adult child, to have your rights within the law so loosely handled, don't settle the question so simply in your mind. Though you feel glad to see old people get pensions you do not wish to have some one so glibly determine how to take money away from you in order to save themselves money and the trouble to think things out correctly and properly. In a democracy we are that way; we don't like someone to sit back and consider our individual problems regardless, deciding so easily what they want us to do even if it destroy us to convenience them, especially when we feel sure it wouldn't be possible for them under the same circumstances to do it themselves. That is why we have come to believe in allowing others their Constitutional rights and to feel that our rights should not be taken from us until a trial is set up for that purpose proving there very *positively* and *completely* that we are unworthy of our rights unless there happened to be a very good reason

such as National Safety, that our rights should be suspended temporarily for the good of national welfare. However, there is no such reason for suspending rights in this case. To the contrary for Appellant's rights to be upheld would strengthen morale at a time like this when democracies are fighting that individual rights such as democracies observe be maintained not ruthlessly cast aside, the law considered a scrap of paper, and in addition an attempt made to "Divide to Conquer" a family.

SUMMARY OF ARGUMENT

This case rests merely on the interpretation of the statute under which this action was begun, especially considering Appellant's rights as an individual and as an adult child and considering that in interpretation it is necessary to consider what the words say, support does not mean cash payments. Appellant claims that the County or State had no right to take over her rights to support her dependents and expect reimbursement for the same without first proving before taking over her rights to support her dependents, first that she is incompetent, incapable, or unworthy of her right to her responsibility (*not and expect reimbursement from her, CERTAINLY*). Also she claims that since the law says support that does not mean that cash payments can be forced from her and think of it that is what they are trying to do even after they have given money out secretly for years.

Cash payments could be forced only from children who denied their responsibility and refused to support or who were first proved before their responsibility was taken from them that they were unworthy of their

responsibility because of some proved reason before the State could take family matters into the State's or County's hands and claim reimbursement for the duties they have forcefully and illegally assumed—a job they have stolen—one that does not belong to them by law of man or nature. Appellant has no objection to their gifts if they do not charge her for them.

Elaboration of the essential facts of the case are fully stated in the accompanying Supporting Brief.

(a) Does not a child have a right to a responsibility given under the state law and re-stated in Sec. 2224 Welfare and Institutions Code, statute under which this action is brought until an action is set up and affirmed after a proper hearing for that person to deny said adult child of the right to said responsibility before the state can take over said child's responsibility and expect reimbursement *or are we slaves of the state and without rights?*

(b) Have not the group of people who are adult children as much a reason to have their rights considered as have the County and the parents under the Fourteenth Amendment of the United States which guarantees equal protection under the law? Can the law be interpreted to grant rights under the law to one group and disregard the rights of another group even when they are specifically stated in that same statute.

(c) Are not judges bound by Article VI of the United States Constitution to observe that Constitution and to give everyone equal protection under the law by the Fourteenth Amendment of the United States Constitution?

—V—

Is this tricky legislation repugnant to the Constitution of the United States and its Amendments, or is it the wrong interpretation of the law? We are sending soldiers to protect human rights. In the meantime, are we to rob them of their most fundamental rights, the right to care for themselves and their own and the personal rights of equal protection under the law? When they come back to have a home, are they to find that they must keep up, not one home, but two homes, a separate one for their parents; to find that they must pay a pension to their parents; to find that they have been sold out and that their position is not with more security but less or rather that they have no security left, for when their personal rights are taken from them as they are when they are not given equal consideration under the law they have no rights left except to work as slaves to the State which may divide them from their family to conquer them: "Divide and Conquer." Or, because the Plaintiff was afraid also of public opinion in regard to old people's pensions and therefore wanted to pay them a pension at some other's expense (shown by the fact that the First Visitor, Mrs. Ackens, from their Department of Charities wished Appellant to sign that she could not support her parents is no concern of Appellant's. That does not give them a right to deny Appellant her right under the state law and this statute: to support her responsibility (not cash payments) nor to give them the right to take over her rights without due process of law, and demand that she reimburse them for their gifts.

Since the Public Interests will be promoted by prompt settlement in this court of the question involved —Wherefore, your petitioner, respectfully prays that

a writ of certiorari be issued out of this Honorable Court, directed to the Supreme Court of the State of California for the Supreme Court of United States to review this case on this petition and accompanying Supporting Brief, case entitled: County of Los Angeles, Plaintiff and Respondent, vs. Gretta Lafuente *in propia persona,* Defendant and Appellant, No. 18258 and that the judgement decree of said Supreme Court of California in said cause be reversed by this Honorable Court and that your petitioner have such other and further relief as to this Honorable Court may seem meet and the nature of the case require, and so your petitioner will ever pray.

Dated: Los Angeles, California, November 26, 1942.

GRETTA LAFUENTE, *in propia persona*

Please read Petition for Writ of Certiorari and Jurisdictional Statement herewith, here also as a part of this Supporting Brief.)

SUPREME COURT OF THE UNITED STATES

October TERM, 1942

No. 18258

GRETTA LAFUENTE, *Petitioner*

vs.

COUNTY OF LOS ANGELES, *Respondent*

BRIEF IN SUPPORT OF PETITION FOR WRIT OF CERTORIARI TO THE SUPREME COURT OF THE STATE OF CALIFORNIA

This is the same brief as was used by petitioner petitioning for hearing by the Supreme Court of California and the Reply After Oral Argument following.

I.
Opinion of the Court Below

September 29, 1942. See Appendix, p. 11-21.

II.
Jurisdiction

THE QUESTION OF FEDERAL LAW BELIEVED TO SUSTAIN JURISDICTION OF THIS PETITION IS SET FORTH ON PAGES 8, 9 AND 10, AND IN A JURISDICTIONAL STATEMENT, PAGE b-h FILED HEREWITH.

III.
Statement of Case

SUCH STATEMENT IS SET FORTH ON PAGE 11-14 OF THIS BRIEF FILED HEREWITH AND PAGES c-k, THEREFORE, IS NOT REPEATED HERE.

IV.
Assignment of Errors

In the case 437600, 2nd Civil 12645, L. A. No. 18258.

COUNTY OF LOS ANGELES, *Plaintiff and Respondent*
vs.
GRETTA LAFUENTE, *In Propia Persona*
Defendant and Appellant
202 S. Sepulveda Blvd., West Los Angeles, Calif.

I. The Court failed to recognize that Appellant had any rights, either rights as an adult child or personal rights as an individual.

II. The Court failed to heed that it could not sanction the county taking over a person's rights and expect reimbursement without the county first proving that that person was incompetent, incapable, or unworthy of exercising those rights.

III. The Court failed to notice that the law cannot be interpreted to favor one group of people as privileged (namely, old needy people) as against another group of people (namely, adult children) as both must be given equal consideration that their rights under the law are protected. (See Amendment XIV and Article VI of the United States Constitution).

IV. The Court failed to notice that by its decision the Court made invalid the statute under which this action was brought in this case (by demanding cash payments when the law says support, thereby questioning the validity of the statute, Sec. 2224 Welfare and Institutions Code, the statute under which this case was begun.

V. The Court failed to notice that all judges are bound under Article VI of the United States Constitution to follow the Constitution of United States.

VI. The Court failed to notice that under Amendment XIV of the Constitution of the United States, judges are bound to give equal protection under the law to all, privileging none.

VII. The Court failed to notice that all evidence must be considered on both sides and from angles fair to both sides, privileging no side.

VIII. The Court failed to notice that penalty was exacted without proof of wrongdoing.

IX. The Court failed to notice the injustice of taxing an individual secretly for years without trial to show cause.

X. The meaning of support and receive are not taken into consideration by the Court.

V.

Preliminary Information

TRIAL COURT: Superior Court of Los Angeles County, Edward R. Brand, Judge. Dec. 27, 1939.

APPELLATE DECISION: Second Appellate District, Division one. Dec. 2, 1941, affirming the Judgement.

OPINION BY: Hon. Hartley Shaw, J., protem, Hon. John M. York, J., and separate opinion by Hon. Thomas P. White, J. (copy attached).

NATURE OF ACTION: This action comes under Section 2224 Welfare and Institutional Code, a copy following:

If the person receiving aid has within the State a spouse or adult child pecuniarily able to *support* said person, the Board of Supervisors shall request the District Attorney or other civil legal officer of the county granting such aid, to proceed against the kindred in the order of *their responsibility to support.* Upon such demand the District Attorney, or other civil legal officer of the county granting aid shall, on behalf of said county maintain an action, in the Superior Court of the county granting such aid, against said relatives, in the order named, to recover for said county such portion of the aid granted as said relative is able to pay; Any sum so recovered shall be credited by the county to the county and to the state in proportion to the contributions of the county and state, respectively.

The granting of or continued receipt of aid shall not be contingent upon such recovery. (Italics added.)

County of Los Angeles sues Gretta Lafuente, an adult child, for money the county has for years secretly

influenced her parents to take without her knowledge or consent, though she has under the state law responsibility to support and it is also so stated under Section 2224. Though Appellant had never denied her parents their legal right of support in a home with her where all building laws and all other laws of the state have in any dwellings been obeyed. Appellant would not be allowed to occupy them if they were not. The Court and Respondent fails to realize that Appellant was living in a different dwelling when they gave out money; a different home from the one they mentioned in the trial (see Appellant's Opening Brief in District Court of Appeals Civil No. 12645, p. 33). Even Appellant had offered it to them and said that she wished to do anything to please their wishes both directly and through the county representatives. Though no objection to her (here again Respondent fails to realize that money was first given to the father, who never testified, though the mother's testimony concerning herself was what was considered; see Appellant's Opening Brief in District Court of Appeals, pp. 33, 34, 37, 38, 41, 29, 30) or her home had ever been considered by anyone until Plaintiff's Rebuttal, after Respondent could not tear down Appellant's evidence and Plaintiff's Reply in Appeal when Respondent's case was insecure and here without the slightest basis of sound reasoning or substantial evidence as backing. Also such objections were entirely out of place in this trial. Though Appellant's testimony and her son's show expenses as much as could be expected to be recalled for years back, this testimony as well as the fact that the First Visitor from the Department of Charities *requested* that Appellant

sign that she could not care for her parents and this Visitor, Mrs. Ackens, made out a paper to this effect including everything, salary, taxes on Appellant's home, getting down to it that she wished Appellant to sign that she could not support her parents (Apellant said that she furnished support in the home that a child always shares with her parents, if that is not enough and the state wishes to give money, that is their business, as for her, she always furnished support and never had denied it, sharing what she had with her parents). The fact that the Visitor, Mrs. Ackens, after considering all expenses, wanted Appellant to sign that she could not support her parents, showed that she thought that, and it is evidence that Appellant only makes enough to maintain her one home shared by all, yet the above facts and this testimony as ability to pay testimony was disregarded. The idea that a child had any rights in such a trial was disregarded.

SUMMARY TRIAL RESULTS: Verdict in favor of County of Los Angeles for seven hundred and thirty-eight dollars with interest and costs.

EFFECT OF DECISION: The adult child has no rights, the Opinions of the Court disregards the rights of the child. The judges of the Court disagree in Opinion to the extent of holding exactly opposite opinions as to the correct interpretation of the law. The Court's decision has the effect to deny the validity of the state's statute.

Nature and Opinion of District Court of Appeal

(*A Copy is in Appendix*)

The Court questions the validity of the statute under which this case is brought. The idea of the adult child's right of responsibility to support is repugnant to the Court. The theory that the child has equal protection to the parent under the law as stated in the United States Constitution, Amendmnet XIV, is repugnant to the Court. The Court neglected to go into the matter of Appellant's rights, though she was the one being sued for money. Objections were considered concerning Appellant and her home; though they have no place in this case since an action set up to prove allegations against her would have to come before her rights were denied her. Also they would need to use the right house and right parent to stick to facts. Evidence showing Appellant's inability to pay out of the home in view of her testimony and in view of the fact that this was money given secretly for years back, was not considered. All the evidence brought out in Appellant's Appeal as vital evidence upon which no conflict exists and which is not favorable to Plaintiff is overlooked and disregarded while evidence of adequacy and compatibility which have no place in this trial in the first place and secondly had no substantial reasoning or evidence based on fact to back it, was seriously considered in favor of Plaintiff. Also the court failed to recognize that there must first be a process of law before a person's rights can be denied them. Also, "by failing to allege a compliance with the statute, the complaint fails to state a cause of action thereunder."

Grounds of Petition

A hearing by the Court is sought since the present decision will have the effect of settling an important new law which affects so very many people and only one group of people concerned has been considered; namely, the county and parent's wishes have been considered, but Appellant's and adult children's rights have been forgotten. Also, in addition to one of the judges, Hon. Thomas P. White, J., on Appeal having an exactly opposite opinion to the other two judges, Hon. Hartley Shaw, J. protem, and Hon. John M. York, J., the Attorney General has stated an opinion. See Weekly Law Digest, J. Mason Wiegel, Vol. 4, California, 1940, p. 81. Also Attorney General Earl Warren's opinion is opposite to two of the judges' opinions. See Respondent's Reply Brief in District Court of Appeal Civil No. 12645, p. 10 and 11. There is a decided conflict of opinions on the issue. None of the opinions gives proper attention to the rights of the child; their interest centered on the rights of the parent. There will be a necessity of uniformity of opinion in the future where there may be many more such cases. Appellant was the first. She asked that this be brought to trial as soon as she learned what was being done, that being, when she was threatened by Mr. Hoffman of the Collection Department that it would cost her job if she did not pay. See Appellant's Opening Brief in District Court of Appeals Civil No. 12645, p. 53 and 39. Appellant's rights were flagrantly disregarded. A hearing by this court is sought since Appellant claims that she has not received equal protection of the laws in this case. Her rights were ignored and her evidence not consid-

ered. She claims her right to life, to a home under the laws of the land which have jurisdiction as to its adequacy, her right to respect and to compatibility in the community so she can work in the community until it is proven she has not these rights if she has done wrong, a right to maintain a home for herself and her dependents whom she has the responsibility under the state law to support since she cannot live in the street to maintain a second home where she is not allowed to live, and it takes all the money she makes to maintain the one home shared by all, a right to fair trial with her evidence fairly considered, her right for human abilities to be fairly considered, she could not remember nor be expected to recall for years back every cent she spent for daily expenses when she had no knowledge of such an accounting was going to be required), the right to have proceedings of the case on trial being dealt with, not other matters such as objections which besides having no facts as evidence had no place in this trial. See Civil Code, Sections 1485 to 1606 —1496, 1606, 1501, 1512; the right to support and care for her responsibilities under the state law until it is proved that she is unworthy of the right and that therefore the state denies her rights and takes over, she claims she still would have a right to such a trial first before they could take over and before they could pay out money with the expectation of reimbursement, the right of a fair interpretation of the law considering her rights as an adult child since she is the one being sued (adult children have rights under the law as well as the county and parents), the right of word meanings taken from a dictionary of good authority with

meanings consistent with the rights of an adult child as a group and the rights of an individual, a right to a reasonable interpretation of Section 2224 since the state statute would not be repugnant or invalid to itself or to the Constitution of the United States and by failing to allege a compliance with the statute, the complaint fails to state a cause of action thereunder. See Webster's New Dictionary, Second Edition Unabridged, pp. 31, 854 and 2534, for meanings of *adequate, receive, support.* Also Appellant's Opening Brief in District Court of Appeals, Second Appellate District, Civil No. 12645, pp. 24 and 25.

See United States Constitution, Amendment XIV.

Citizenship Representation, and Payment of Public Debt

CITIZENSHIP—*Section* 1. All persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, nor shall any state deprive any person of life, liberty, or property, without due process of law, *nor deny to any person within its jurisdiction the equal protection of the laws.*

Appellant claims she has not had proper protection. Words such as "receive," "support," and "adequate," have been given incorrect meanings and that relevant evidence given by her was not considered and irrelevant

and unsubstantial evidence presented by the Plaintiff was given weight.

After all, this was a trial to collect money from Appellant and her right of *getting equal protection of the law,* as stated in the Constitution of the United States, should not have been ignored.

See United States Constitution, Article VI:

GENERAL PROVISIONS: *Supreme Law of the Land Defined.*

2. This Constitution and the laws of the United States which shall be made in pursuance thereof, and all treaties made or which shall be made under the authority of the United States, shall be the supreme law of the land and the *judges in every state shall be bound thereby,* anything in the Constitution or laws of any state to the contrary notwithstanding.

This would be nothing but savage treachery to give money to one group of the family and to ruin another group. It would destroy family unity and love. It is denying the child equal protection under the law. The Old Age Security Laws had in mind to increase protection to the aged, but not to decrease the rights of the child and their right to protection under the law. The law clearly expects the child only to support, if it had meant cash payments it would have said so. The law penalizes only when the child refuses its responsibility. In the old law (1929), a parent had to sue a child who denied his duty to support his parent. Under the 1937 law the county sues for them (but only children unwilling to do their duty).

See California Law Review, Vol. 26, 1937-1938, pp. 338 to 340.

This state does not give a pension or demand that the child give one. If the law meant pay, it would say pay, not support. All laws are obeyed in Appellant's home of necessity and even she expressed her wish to do anything to satisfy her parents' wishes.

Statement of Case

Since the first visitor from the Department of Charities questioned Appellant as to how much salary she got and what taxes she paid and everything and finally this visitor came down to it that Appellant could not support her parents, see (Rep. Tr. p. 53, lines 3 and 4) (Rep. Tr., p. 66, lines 15 to 19) (Rep. Tr. p. 65, lines 7 to 11) and since this visitor insisted that Appellant sign this so much so that Appellant had to go up to the *director,* Mercy Hutchings, up town to have a paper drawn up for her protection to show that she had done as any decent child would do, namely, share her home always and even offered it (Rep. Tr. p. 47, lines 22 to 26) (Rep. Tr., p. 48, lines 1 and 2). Also this first visitor, Mrs. Ackens, brought in an application and filled it all out herself, filling it out that Appellant could not support her parents and she asked Appellant to sign it, but Appellant would not sign it, for she said she furnished support in her home. A whole loaf or half it is a child's business to share. If the state wishes to give money, that is another matter. This fact of this first visitor, Mrs. Ackens, from the Department of Charities, is evidence given by Appellant and Donald Lafuente, two honest people as a witness to the fact and it was evidence never denied by Plaintiff. This visitor, Mrs. Ackens, wanted Apellant to sign that Appellant could not support her parents after this visitor considered Appellant's salary, taxes on her home, and everything. That evidence is enough to show that Appellant certainly had not the ability to pay out of the home.

It must be remembered this money was money paid out secretly from back years. About all that could be

reasonably expected for Appellant to recall in amounts were such expenses for a Trust Deed on her home, interest, taxes, living expenses and that after paying those things there was no money left. Could you recall as separate items money spent in past years, when it had been kept a secret from you that you were going to be asked for such an accounting? Let's see: two years ago I spent how much for electric light bills? Impossible for most people to recall. Appellant said, "I had no money to pay them," see (Rep. Tr. p. 53, lines 3 to 11) (Rep. Tr. p. 30, lines 21 and 22). "I can maintain but one home. I haven't finances for more than one home" (Rep. Tr. p. 42, lines 5 and 6). "Of course, it could not pauperize me and take from me more than I have." See p. 19 Appellant's Opening Brief. Appellant is not able to pay since she needs all the money she gets for their one home, shared by all. No more evidence from years back, when one had no knowledge that her parents were being secretly paid money and she was going to be asked for an accounting in a few years could be expected. The Department of Charities played this like a game; a game where rules and rights of others meant nothing. If they felt that Appellant could not afford to support her parents it was not necessary for them to try to get Appellant to sign anything (a whole loaf or a half a one, children are obligated to share what they have with their parents) they could have decided that Appellant did not have enough to share. But they were not thinking of old people; they wanted, yes, seemingly, to please the old people temporarily, because old people were everywhere asking for pensions, and to trick Appellant into paying for it was their idea. Yes,

they hoped Appellant would sign to make collection easy for them and to keep the public's will to have decent Old Age Security Laws pleasing to everyone, passed from being fulfilled. They were afraid of the Old People so they made Appellant the "goat" and now wish Apellant to pay for their fears and tricks. Had they had the nerve and decency to follow the law, Appellant and her parents would both be happy, now; and if not at least working for some honest way to create happiness. They played on the theme of greed and failed. Appellant claims the law should not be twisted around to carry out false purposes. Parents of Appellant were secretly influenced by the Department of Charities workers to take money as evidenced by Mrs. Youngman Department of Charities worker saying that the father when met by their visitor tore up the paper she brought for him to sign for aid and nearly threw the Relief visitor out once, also. See Appellant's Opening Brief in District Court of Appeal of this case Civil No. 12645, p. 41. Was this an effort to have a chance to strike Appellant from behind? It could be.

From November 30, 1934 to March 23, 1937, before Appellant was even approached, money was given by the Department of Charities without even looking up the daughter. During that time there would have been at least three times they should have made their yearly investigations. Then when they did visit Appellant she was asked to sign that she could not support her parents and so insistently requested that she had to go up town to see the Director, Mercy Hutchings, to get a paper to protect her. Later this same Director signs a

paper instructing her to await her parents, yet they begin again to pay out money secretly to Appellant's parents. Their trick had failed in trying to get Appellant to sign so they were up to another trick. There must be many others who will thus be ruined later, after they get to work and think they have a home started. This is unjust and dishonest and entirely ignoring the rights of the child for they also have a right to life and equal protection under the law guaranteed by the Constitution of the United States of America. See Article VI and Amendment XIV of the Constitution of the United States.

ARGUMENT

(*Please read to get a more full discussion and also include under Argument what is said in this brief under Preliminary Information, Nature and Opinion of District Court of Appeal, Grounds for Petition, Statement of Case, Argument and Conclusion.*)

It is elemental that in an action such as the present one the Plaintiff must show cause why Appellant should be made to pay this money. According to Section 2224 of the Welfare and Institutional Code the statute under which this trial is brought Appellant, an adult child, is responsible in this state to support her parents. The law does not say give financial aid or cash payments but support. Appellant has a right to equal protection of the law guaranteed by the United States Constitution, Article VI, and Amendment XIV. Now when Appellant has a home as she does where she furnishes support to her other dependent, her eighteen-year old son and never has denied it to her parents and even extended the extra courtesy of offering it to them; and to do anything to satisfy their wishes; unless it were proved that Appellant on some proved occasion did *deny* her parents their right of a home with her they had no case against her. Or if in proceedings set up for objections against her and her home and *there never has been any such proceedings* they would need to prove that on some given date she had done wrong or had broken some law, had been notified, had refused or neglected to correct before they could deny her her right to her responsibilities and thereby give the state the right to take over. It is not

so easy or simple a matter to deny a person their right to care for themselves and their own responsibilities as personal rights are first rights and the basis under which our Constitution is written and emphasized in the Amendments. Now this first visitor from the Department of Charities, Mrs. Ackens, wished Appellant to sign that she could not support her parent (her father, by the way, for her mother was not then asking for aid, the father never testified, the mother testified for herself, so compatibility was not the reason for giving the father aid) also, by the way, when they started giving the father aid Appellant was living in another house, not the one spoken of in the trial so adequacy evidently had nothing to do with it. See Appellant's Opening Brief in District Court of Appeals, Civil No. 12645, pp. 33-41, 33 and 34, 37 and 38, 41 and 29 and 30. This fact is evidence that this representative of the Department of Charities after taking down salary, taxes, and everything, thought that Appellant had not ability to pay out of the home, else why did she ask Appellant to sign that she could not support her father? Also Appellant states that it takes all the money she makes to maintain her one home shared by all and that after paying expenses there is no money left. See Appellant's Opening Brief in District Court of Appeals Civil No. 12645, pp. 18, 19, 20, 26. Appellant has a right to life also, guaranteed by the Constitution of the United States, Article VI, and Amendment XIV. Also it is unreasonable to expect Appellant to be able to recall the impossible, that is, every item she spent years back when she did not even know that there was to be an accounting since the money was given secretly.

Also all the big items such as a Trust Deed on her home for thirty-three hundred dollars, interest and taxes were evidence in the trial court by Mrs. Lafuente and Donald Lafuente, and evidence showing that Mrs. Ackens wrote in items of salary, taxes and everything, on the paper she asked Appellant to sign, saying that Appellant could not support her father. See Appellant's Opening Brief in District Court of Appeals, Civil No. 12645, pp. 18, 19, and 20, 36, 37 and 38.

How can Appellant be respected in the community when the court has denied her the right to care for her responsibilities putting the stamp of inadequacy and incompatibility on her. The public would never understand that it was done to her because the state was afraid of the old people who were clamoring for a pension which they did not give and so they therefore deprived the adult child of her rights, claiming these truthless unproved things against her when they failed to get her to sign that she would not share with her parents as they had hoped to influence her to do to make things easy for them in collection. Naturally, the public would always look on Appellant as some one who did not do right or did not obey the laws, so her rights had to be taken from her by the county and state. How unfair when Appellant had always offered a whole or a half a loaf to share what she had with her parents. That was her duty and she did it and now she is being penalized as a wrongdoer, blackened before the community where she has to work—she can not get along with her mother—of course it was really the father (see Appellant's Opening Brief in District Court of Appeals, Civil No. 12645, pp. 33, 34, 37, 38, 41,

29, 30) who was given money first and probably he refused to testify but the Court was not interested in who it was, facts as well as justice doesn't seem to matter, just relieve the situation by making Appellant right or wrong pay in some way or another. Nor could the public know that the only evidence offered showing she did not get along was that she called her son to her in the court room, just before the court opened, which she had a perfect right to do, any more than they would know that she even was living in a different house when they first began granting aid. See Appellant's Opening Brief in District Court of Appeals, Civil No. 12645, p. 33. Appellant has a right to be respected. She has done right, but the above actions against her are not right nor giving her equal protection under the law. Under 2160 (f) Welfare and Institution Code. The Court failed to notice that the word receive does not have the meaning of assent or dissent. One receives a verdict whether one wishes it or not. Parents have a home and are receiving it whether they want it or not, or use it or not if they have an adult child responsible to support them who has never denied it to them. They receive it and have it the same as they have money if they have money in the bank even if they do not draw on it. But these matters were not considered for Appellant's rights were entirely forgotten. Under Section 2224 Welfare and Institutional Code the statute under which this action was brought, Appellant had rights to her responsibility to support her parents until it is first proved that she has done wrong and is unworthy therefore of those rights. Appellant is under the responsibil-

ity to furnish her parents support. There is no proof that she has not done so, or that she had ever denied it to them there is considerable proof that she has done so. They receive it until it is denied them since it is their legal right. The state has no right to claim against Appellant until parents use their support which they receive and find it inadequate or her incompatible or something, or that she had denied them, then the state not themselves as under the old law, would set up allegations to that effect to deny this child of her rights to a responsibility to support, allegations they would have to prove in a very substantial manner in order to deprive her of her rights. See Civil Code ~~1845~~ 1985-1606. See California Law Review, Vol. 26, 1937-1938, pp. 338-340. Appellant has under the Constitution of the United States, Article VI, and Amendment XIV, the right to life and equal protection under the law. She has done no wrong, she can't live in the street and continue to live and work in order to pay out money for another home since it takes all the money she makes for her one home, shared by all, who have moral and legal rights to share it.

CONCLUSION

The decision of the Trial Court and District Court of Appeals entirely overlooks the rights of a child. During this period of change it must not be, that in granting rights to one group the rights of another group be entirely overlooked. This decision might affect disastrously so many other people. A child also has a right to life and equal protection under the laws guaranteed them by the Constitution of United States. Most children find it difficult to maintain one household where all may share. To have to spend for a second household is impossible. Especially is this true where money had been given out for a term of years secretly. This sort of procedure is dishonest and would amount to confiscation of a child's home many times. If this were what the legislature had intended they would have said it in plain words, *a child must pay a pension*. In giving more security to one group it was not the intention of the law to take all security away from another group or to cause lack of unity in the family which a thing of this kind would most certainly do. Under such ways you'd not be given the right to know until you received a bill of collection for money, where you stood; head or heel of the household you work for. You would become just a slave to pay out money when asked to do so and you wouldn't know of your obligations until enough had been accumulated against you to ruin you. Let us have a pension if we need one in this state, but let us not give a chance for this type of fifth column business that sets about to destroy family unity in this cowardly and illegal manner. Legally before the state can assume the head of the household as it has done here, it would

have to prove beyond a shadow of a doubt the unfitness of the one to whom responsibility went by law, the natural head of the house, the one responsible for the support of the household under the laws of this state. Anything wrong with the habitability of the home of the head of the house, the head of the house would have to be notified of that thing wrong, a reasonable time given to correct and even access denied to the home if anything were wrong and it were not corrected. Even such extreme measures would not give the right of another person or the state taking over another's responsibility unless it were proved that that head of the house had refused to give proper living facilities to a dependent. To deny one a responsibility is one of the most difficult things to do in law. It is our most elemental right to care for ourselves and our own under the laws of the land, and any grapevine fifth column scheme to upset this strikes at our most vital spot. If we were denied this we have no rights except to work as slaves subject to unscrupulous schemes of those who are not out to do this country good. A pension for old people, yes, something in advance, yes. But we cannot afford to take backward steps, or law as we have known it, built on the intelligence and struggles of centuries, will fade from existence.

The whole idea here seems to have been to defeat public will of providing more security for society. There seems to be an attempt to quiet old people until the war took the headlines and then to let the children be out of luck, society having less security than before. But it is not so written in the law.

BOOK II

EVERYTHING STATED BY RESPONDENT IS IRRELEVANT AND IMMATERIAL

From a legal standpoint this trial has been a ridiculous sham. The Respondent has not said one material thing or brought up one relevant point since the moment in the trial court when he was forced because Appellant's evidence was so overwhelming and to keep out more damaging evidence against the County he was forced to stipulate that Appellant furnished support and had never denied support and had even extended

Pages 2 and 3 Blank

Error

the extra courtesy of offering it directly to her parents and through the county agencies (that she never denied it is your point here). However, with every additional word from Respondent he further proves the conspiracy to entirely disregard Appellant's right to equal consideration under the law and for the county agencies to forcefully take over Appellant's rights; to entirely override Appellant and then after their invasion to intimidate her into paying them for money they have secretly paid out. Then when that didn't work and they found they lost in the trial which Appellant demanded, they falsely attack Appellant, and with unproved evidence try to finish their dastardly conspiracy; to put an unjust bill that they have secretly accumulated for years on to Appellant knowing that she could not possibly pay it even if she were willing to be, thus underhandedly and dishonestly abused by the fifth column intimidation. The effort of the county to take things into their hands and to utterly disregard Appellant is certainly fully proven. Yet let them show one place where the responsibility of the adult child to support has been revoked.

Though Appellant uses as a point in her tracing the history of the law the interpretation that the money was illegally given since parents have a legal right to a home with their adult child, it being their right until it is denied them, that is an unnecessary point though correctly brought up, as Appellant did, to trace the history of the law. Any interpretation at this point, however, is immaterial to this case except to repeat the tracing of the history as Appellant did before, for under any interpretation Appellant's point is that she would

have equal right under the law for her rights to be considered under the law as well as parents rights being considered. No one has a right to take over her rights to a responsibility with the expectation of reimbursement, without first proving her unworthy (a thing that could not be done first or last). Appellant is not going to have it on her shoulders to argue against the state giving money to old peopple where it does not concern her, since she did honestly go into this once in tracing the history of the law in the Apppellate Court and since the Appellate Court said that the state could so give money out to old people, Appellant would be heartily in favor of anything that the court could do for old people after seeing what was done to them in this case. Also, if the adult child's rights are protected, which rights must be protected, then and only then would this fifth column stronghold in California be broken and there would be no loopholes left in this regard under which they could maneuver with their false pressures. If that could be done we would have then a pension paid by the state. But this is immaterial to this trial.

Important Additional History of Section 2224 Welfare and Institutional Code

See State of California Statutes, Chap 530, p 914, in effect August 14, 1929, on which Section 2224 of 1937 Welfare and Institutional Code is formed according to the information printed on said code. In Section I we find it deals with those who shall be granted aid—age, citizenship, etc., and (g) (quoting): "Has no children or other person able to support him and responsible

under the law of this state for his support." (Support here as in Section 2224, child is given responsibility to support—no mention of cash payments.)

Reciprocal Duties of Parents and Children

See State of California Civil Code, Title II, Parent and Child, Chap. I, Children by Birth, Section 206, (qquoting): (notice the very first word) "*Reciprocal* duties of parents and children in *maintaining* each other. It is the duty of the father, the mother and the children of any poor person who is able to maintain *himself* by work to *maintain* such person to the extent of their ability.

The *promise* of an adult child to pay for necessaries previously furnished to such parent is binding." Notice neither is to pay a pension to the other. Notice they are to *maintain,* not to pay cash payments. Notice it takes a *promise* from the responsible party to make reimbursement possible. Appellant never gave such a promise. Notice a person is responsible to *maintain* if he *maintains* himself by work to maintain according to his ability. Yet Mrs. Ackens, the first visitor from the county charities, a public officer was asking Appellant to sign that she could not support her parents; that was premeditated consipracy. A public officer surely knew of these laws and surely knew the position in which she would have put Appellant had Appellant signed the way she wanted her to do. Appellant's parents or the county or any public officer have never asked Appellant to cooperate in any matter that she has not done as they wished except in insisting in this that

she should support her parents and that that did not mean cash payments.

More Irrelevant and Immaterial— Compatability and Adequacy

Neither her parents or the plaintiff have ever said a word against Appellant until in the trial court Appellant's evidence was so complete in its proof that Appellant furnished and offered support to her parents when the Court and Respondent questioned her on this, that the Plaintiff was forced to stipulate that this was true. Since Appellant's proof was so complete and with such complete written evidence that the Plaintiff *saw that it was useless to argue the matter,* so he therefore stipulated to it to thus be able to keep out of the trial more damaging evidence against the county. At this point the trial should have been over, all else is irrelevant and immaterial. It was the Respondent's wish at that moment to have it over, because he asked the court for two minutes in which to finish before noon. (He could not have put on three witnesses and summed up his case in two minutes.) However, during the two hours for lunch the idea came to him to attempt to bolster his lost case by the adequacy idea which he tries in rebuttal by bringing back one witness, using on this new idea, and two new ones. At the point where Respondent was forced to stipulate that Appellant furnishes and offers support since this is not a trial set up to prove Appellant's unworthiness of her lawful rights and responsibilities (a thing that could not be done honestly by the way with any home, any parent, in any kind of trial. Though Appellant does answer

pleasant to be unjustly slandered, their attack comes the Plaintiff for moral weight and because it is not at the wrong time, is unproved and untrue besides being entirely irrelevant and immaterial to this trial.

Original Complaint

It is well to remember the original complaint under Sec. 2224 Welfare and Institutional Code and leave out these irrelevant and immaterial issues so that we shall know when we are through, we should have been through in the trial court when Plaintiff was forced to stipulate that Appellant furnished and offered her parents support, the same as we should have been through in the Supreme Court of California when Respondent admitted Appellant's arguments when he asked for fifteen minutes to finish and the Hon. Court asked him if he did not want ten more days on his case. During which time he reverses his theories and spurts out again on some more immaterial ideas. With chameleon-like efforts the Plaintiff adjusted his case during the two hours for lunch in the Superior Court with a new theme, attacking Appellant's home's adequacy, proving only that, it having been passed on by all building inspectors in authority even the health inspector, her parents having their own room near a bath besides the use of the whole house is satisfactory (Appellant would not be allowed to live there after their inspection if it were not); (also this is not the house Appellant was living in when money was first given out); so this brick fell down under cross questioning) in spite of his witness's desires to the contrary. So in his Reply Brief we find him juggling a new

brick, also a straw one, introducing for the first time his third theme, that of compatability. This new theme is again an irrelevant and immaterial issue, also unproved, wrong parent, and even that parent only shows immaterial reasons why she wants to stay where she is now. Plaintiff tries to prove that the reason the Dept. of Charities of Los Angeles County gave money secretly to Appellant's father (by the way, since November 30, 1934) and to her mother on February 1, 1938, is because Plaintiff in his Reply Brief to the Appellate Court in April, 1940, decided that Appellate was incompatable. Rather a late decision, decidedly a late attack besides being irrelevant and immaterial to this trial. Imagine, incompatability because Appellant called her son to her just before the Superior Court opened, which was the exactly proper thing for her to do on such an important occasion. However, her mother goes on and *does* give testimony showing many other reasons why she *does* wish to stay where she is now, her only reasons; the most important of these and a point well taken to have her other daughter kept in that daughter's own home. Appellant has reasons also which are also irrelevant and immaterial here. However, Appellant's mother could fix things to her satisfaction, for she could still sue in court for that husband of that daughter for whom she takes care to pay for his wife's care as he had been doing for ten years before this; sue for the Court Order to be upheld to pay her for this care as he had done for ten years previous to this and to have it increased again to provide for the higher cost of living. Then she could still stay where she is, and allow this daughter to be in her own home. That

husband is still working at the same high salaried job with the same firm and this daughter also has a grown son responsible for his mother's support. Or if for some reason unknown to Appellant to sue is not desirable, Appellant's mother could arrange now for a younger member of the family to take over the guardianship of this daughter while the mother and father come to Appellant's home where they would not have to work for their keep. Though Appellant is the elder sister and the one to whom the guardianship would naturally pass after the mother and father, Appellant would not stand in the way of this guardianship passing to a younger member of the family pleasing to the Court and her mother in order that this sister *could* stay in her own home, providing no secrecy prevailed, for Appellant knows from this trial, that even if that guardian should be married to a German Nazi that this sister would be safe so long as she was with someone of the immediate family, for this family is so loyal to each other as proven during this case where they were under very powerful organized pressures, that in the last analysis they would never entirely desert their own. (See Appellant's Reply Brief, Index "Compatability of Appellant brought up by Respondent only in his Reply Brief in the Appellate Court as a last minute excuse to try to place liability on Appellant." Even here he did not bring in any evidence, but he seems to do whatever he wants and whenever.

Certainly the reason for giving relief money secretly since November 30, 1934, to April 1, 1937, before Appellant was visited was not because Appellant's home was inadequate or she incompatible for the home

hadn't been seen nor had they bothered to interview Appellant. All was without her knowledge and consent. She did not know until after a few years they decided to collect by threatening her job. Appellant was at that time in a duplex at 234 South Tower Drive, Beverly Hills. Yet relief money was given. All this in spite of the fact that they have living before them had they looked, Appellant's son living with and supported by Appellant, a living example of the compatible care Appellant gives dependents. But they did not look into such matters for they believed all they had to do is to make Appellant pay when they got ready. Just think of all the fun giving out this money all these years, and what wonders it could do in dividing the family and building up a power for themselves. Since Appellant had never denied support to her son, no one had a right to suppose that she would deny it to her parents.

If this first visitor had seen anything wrong with Appellant or Appellant's home, certainly she would have said so, as a good excuse to carry out her wishes to give these parents money instead of Mrs. Ackens this first visitor from the Los Angeles Dept. of Charities asking Appellant to sign that she could not support her parents. Also the Director Ass't No. 10, Mercy Hutchings of the Los Angeles County Charities would have mentioned it if anything were wrong with Appellant's home instead of giving Appellant the following paper signed by her:

"Gretta Gray Lafuente was visited on March 23, 1937, for the first time, and told for the first time that her father was asking support from the state. She

answered all questions freely and frankly. When asked if her father could live with her, she agreed. She was instructed her father would be mailed a letter to that effect by the state." After Mrs. Ackens, the first visitor from the Los Angeles County Dept. of Charities, had visited Appellant's home. Miss Hutchings, the Ass't Director, would not have asked if Appellant's parents could live with her as she did and sign to it in the above letter if Appellant's house had been found inadequate or she incompatible, nor would the following letter have been written to Appellant's father.

"April 2, 1937.

Mr. Parker E. Gray,
5446 Romaine St., Los Angeles

Dear Mr. Gray:

After carefully reviewing the relative statement of your daughter, Mrs. Gretta Lafuente, the department feels her income is sufficient to assume her legal responsibility for your support. Therefore, your case will be closed as of April 1, 1937.

Yours very truly,

Department of Charities Special Aid Division

L. C. Schreiber, *Asst. Director Bureau of Indigent Relief*"

If there was anything the matter with Appellant's home or Appellant's compatibility the above letter would not have been written(but Appellant would

have been attacked there and then.

Then when Mr. and Mrs. Gray refused to come to their support in Appellant's home, Ass't Director No. 10, Miss Hutchings, gave Appellant the following instructions on paper signed by her, to protect Appellant. If the living quarters of Appellant's home were inadequate or she incompatible, it certainly would be mentioned here instead of the following instructions.

"April 7, 1937.

Gretta Gray Lafuente reported today to the Department of Charities, Special Aid Division, Bureau of Indigent Relief, at 434 South San Pedro Street, Los Angeles. She reported that she went on April 5th and again with her son on April 7, 1937, to her father at 5446 Romaine Street, Los Angeles, offering her father a home with her. He refused to accept her offer. She was then instructed by the Adult State Aid of the Dept. of Charities that she should wait for her father to notify her or the state department to notify her if her father decided to change his mind and come. Also she notified the State Department that if they wished to get in touch with her to send her a letter to 234 S. Tower Dr., Beverly Hills, or they could find her any school day at Lafayette Junior High School, Los Angeles. Signed by Miss Hutchings, Director No. 10, Ass't."

The above instructions were aimed to deceive Appellant again, for in the Superior Court evidence came out showing that money was secretly given again to Appellant's parents. Now if Appellant's home were inadequate or she incompatible they would not have had to have managed things secretly and deceitfully this way,

for they could have openly attacked Appellant and claimed then against her home or her compatibility if anything were wrong.

When the Collection Department of the Los Angeles County Charities started collection by Mr. Huffman, if they had anything against Appellant's compatibility or the adequacy of her home, here again they would have said so instead of threatening Appellant's job.

Mrs. Youngman, a vistor to Appellant's parents from the Los Angeles County Dept. of Charities, would not have had to influence Appellant's father after he tore up her application for aid and nearly threw her out, if anything were wrong with Appellant's compatibility or her home inadequate.

Mr. Karstens of the Hollywood office of the Los Angeles County Dept. of Charities would not have needed to be surly and noncommittal with Appellant if he could have proven anything against Appellant's home or her compatibility for a straightforward attack against Appellant would have been in order.

It is interesting to note here that the first relief visitor from the Los Angeles County Dept. of Charities, Mrs. Ackens, was asking Appellant to sign that she could not care for her parent before he had refused her to come.

Also there would be no necessity of the untruthful record to deceive Appellant had the Los Angeles County Dept. of Charities had anything that they could justly claim against Appellant's compatibility or her home adequacy. When the Department of Charities Record shows that Appellant was supporting her parents, Ap-

pellant was given signed instructions for her to wait for her parents to notify her of their willingness to come. Then reinstatement of relief takes place without notification to Appellant. Such actions would not have taken place if they wanted to give money to Appellant's parents and they could show anything against Appellant or her home.

All of this is immaterial and irrelevant to this trial though it certainly does prove that Respondent certainly had no idea of considering Appellant's rights and after all it is of those rights that we must be concerned in this trial for Appellant is being sued. Appellant had a right to her responsibility to support her parents for there never has been a trial proving her unworthy of her rights so that Los Angeles County could take over her responsibilities. Also it would have to be proven before they took over her rights if they wished reimbursement for Appellant has always acted worthy of her rights to her responsibility even going further saying that she would do anything to please the authorities or her parents wishes of they would tell her anything in addition they wished other than cash payments. Appellant has never denied uspport to her parents. Though Appellant agrees a pension would be a very fine thing to have for old people, if it is possible, paid for by the state, she claims they cannot make worthy adult children pay for it. What kind of trials do we have in California? Have we reverted to the dark ages or are we already under Hitlerism. Appellant is obligated to furnish support, but if someone else takes it into their head to secretly steal her responsibility, certainly Appellant cannot be made to pay for

the stealing. Like most bad excuses there are millions of ways of explaining why you have done a thing the way you want to do it. Not so, when you consider how it should be best done. What new issues and excuses will we yet hear for money having been given out secretly twice to Appellant's parents. It smells like Axis excuses for wrong doings. Anything to win. Families are too important to be involved in such scheming. The plaintiff has not built his case brick by brick following the history of the laws involved, so as each new scheme falls he frantically adjusts them and attempts to construct a new case. This whole business has been most out of the ordinary from start to finish.

MANY POSSIBILITIES BACK OF THIS

Who and what could be back of this? Who could have influenced the brother-in-law who is still working at the same high salaried job with Don Lee Motor Car Co., where he has been working for years, a man who was under court order to pay for his sick wife's care, which he had been paying for ten years before this aid to the needy came into effect, because of a most delicate situation in the case against him in case of Gray vs. Wholmes 107849, so delicate that he had evidently considered himself lucky to get out of it by paying for his wife's care. Why was this money cut down after ten years when he was working at the same job? Why were these facts kept secret from Appellant?

Who could have been back of having Appellant's father take money secretly and it being given without even looking up a responsible school teacher adult child from November 30, 1934, to March 23, 1937. Who

could have arranged for a Miss Youngman from the Los Angeles County Dept. of Charities to influence the father to finally take the money, even after he had torn up the application and nearly thrown her out once.

Who could have had the power to send a visitor, a Mrs. Ackens, from the Los Angeles County Dept. of Charities to Appellant to ask Appellant to sign that she could not support her parents, and this same Mrs. Ackens to attempt further to influence Appellant by bringing to Appellant's attention possibilities of future hardships in the form of doctors and nurses. Mrs. Ackens attempted to so influence Appellant before her parents had refused her to come.

Who would have dared to have again secretly paid out money again to Appellant's father, after the Dept. of Charities of Los Angeles County had notified Appellant on April 2, 1937, that they had stopped and then on April 7, 1937, instructed her to await her parents to come to her?

Who could have arranged matters so that when Appellant was given the Relative Statement, which she made out offering complete support which she furnishes in her home as always, and filed this in the Hall of Records January 7, 1938, and sent one to her mother, father, the State of California, and Los Angeles County Agencies with return receipts requested the Mr. Karstens of the Department of Charities who sent this form was not interested in her offering a home to her parents and was surly and noncommittal. Then the second time Appellant called he refused to see her.

Who could have posted another Dept. of Charities worker of Los Angeles County to refuse to answer

Appellant's questions and to tell Appellant that information regarding her parents was confidential information?

Who would have had the power to have a truthless record made?

Who could have had Mr. Huffman of the Collection Department of the Los Angeles County Charities threaten Appellant that it would cost her job if she did not pay?

Who could have obtained witnesses, Mr. Graeff and Mr. Boyle, who would so viciously, cruelly, and hatefully attack Appelant's home when there was nothing actually against the home which they could say. Getting warmer now; nearer to where Appellant lives. Why? Of course there are always real or imagined| disagreements in neighborhoods which are of record in new neighborhoods where streets must be abandoned or what not which might enrich one and deprive others of their property rights. There are always such things of record going on in a big city. At the present moment aggressors are on the march, those who wish to take away unjustly from others are on the attack, ruthlessly clearing away any obstacles in their paths. Organization of such people is strong when directed against individuals. How many people have thus been intimidated? Few would have the good fortune to have the written evidence which Appellant has by coincidence.

Our National Welfare is too important to leave a loophole for fifth column activity. Keeping good relations in the family is very important for public morale. You can have good relations only on the basis of right.

The importance of family relations has been understood since ancient times when the ancestors of the Hun attempted to destroy the spirit of conquered peoples by sending families in different directions. "Divide and Conquer!" is an old principle of the ruthless. Imagine using the law which was designed to help old people in cases of unworthy children to use it to separate them from loving children. What tricky slogans could be used in separating them, "The have-nots against the have-gots."

This leads me to mention other possibilities of slick manuevers possible. Money was coming in from the National Government to be paid to the needy. How possible for someone versed in intrigue to say, "How can we make this money work for us? See to it that those whom we wish get it and that they feel grateful to us for giving it; thus becoming part of our power to do what we tell them to do. When our employee benefits by it indirectly, that will eventually save the pocketbook of the employer. The one who recives, if he receives wrongfully, is held very completely in our power. When there is an axe to grind with anyone in the community, what an opportunity to involve them also by sucking them into the trap also with this slick maneuvering." The old squeeze play; graft; fifth column organization; a method of holding people in others clutches by giving something undeserved, by getting something on them. It's an old racket with a sinister backing. Think of the enormous number of unfortunate people such things could involve, It could cost us another Pearl Harbor here in California. You can be certain the Axis powers have not overlooked a chance of any kind to "Divide and Conquer," be it between employer and employee, rich and poor, old from young, or parents from children.

The Appellant respectfully requests a hearing in this case, and below sets forth her reasons for requesting the same:

The fact that this trial presents questions over which the Federal Court has jurisdiction and since not settled in the Supreme Court of California will need to be settled by the Supreme Court of the United States, is brought out very clearly in Appellant's Petition for Hearing by the Supreme Court of California after decision by the District Court of Appeal, 2nd Civil No. 12645, and in Appellant's Reply Brief After Oral Argument, L. A. No. 18258. Please see.

The question before the court is: Are the personal rights of a person in the United States still to be respected and the dignity of all men observed until they prove unworthy of that respect and right, or are they to be arbitrarily forced to do anything authorities momentarily desire them to do, in Hitler-like fashion? "A man's home is his castle," where he provides for himself and his own without hindrance so long as he obeys the laws. According to custom, and specifically stated in the law, Appellant is responsible to support her parents. After the law has taken the trouble to especially specify the responsibility of a person to support, the Court cannot change it to responsibility to give financial aid as was done, since it requires the interpolation of words which the legislature has not used. Appellant's interpretation (see in full in her Petition for Hearing, 2nd Civil No. 12645 and Reply L. A. No. 18258 to the Supreme Court of California). is the only interpretation where there is no ambiguity considered from every angle, and is fully stated in those briefs. No rule of construction allows a Court

to write into such a clear provision of the law an exception which would change its operation.

The Court fails to realize that it was entirely pertinent for Appellant to show that the county secretly extended aid to her parents from 1934 *to the spring of* 1937, and prior to any demand upon her to support them. This is far from being immaterial even though they sued from October, 1937. For it showed very clearly and emphatically that there were some "goings on" here, showing quite unusual and out of the ordinary interest given to have these old people get old age benefits, particularly impressive when we recall the evidence that the father had torn up their application and nearly thrown out their Mrs. Youngman from the Department of Charities, and also that after they *did* contact Appellant after they had been paying for a few years, they asked Appellant to sign that she could *not* support her parents. When she refused, they "secretly" again paid not one parent only, as before, but *both* parents, instructing Appellant in writing to wait for her father to notify her or the Charity Department to notify her of her parents' willingness to come and when Appellant inquired about whether her brother-in-law had begun again to support them in exchange for the care of his sick wife, as he had done for ten years previously, she was told by the Charity Department that that was confidential information. However, they continued secretly again paying this money until they had accumulated a bill of nearly a thousand dollars. When they have secretly gotten this bill to a size they feel quite sure Appellant could not pay, then for the first time their *collection* department let Appellant know for the first time since they had

given her written instructions to wait for them to notify her, what had been going on *again;* namely, the paying out of this money secretly. So the collection department demanded payment, or it would cost her her job. (By the way, she *has* lost her job.) No, anything that gives light on such sharp dealings shows too decided an interest to give these old people money and in ways which shed light on the unusual features of this case, is very far from being immaterial. Also we might look forward to what awaits Appellant if she loses this trial. With inflation's rise in valuation of her home, they can steal that from her even though she has a homestead, for the value would rise over the five thousand homestead protection of the United States government, and any five thousand she would get by that time with inflation prices could perhaps buy her a home in the slums to take the place of the home of her choice, and her life's accumulation of a home, earned by her former work of a life-time, would be lost to her—a nice end to an honorable, hard-working teacher—and an opportunity for dishonorable business to be profitable to slick sharks.

It is respectfully submitted that the judgement of the California Supreme Court affirming the judgement of the Superior and Appellate Courts should be reversed in favor of Appellant and Petitioner, and that your petitioner have such other and further relief as to this Honorable Court may seem meet.

Respectfully submitted,

GRETTA LAFUENTE, *in propia persona*
Appellant and Petitioner

Dated, Los Angeles, California,
November 28, 1942

APPENDIX

Date of judgement sought to be reviewed: September 29, 1942.

Date upon which application for Appeal is presented: November, 1942.

Opinion in Trial Court:

11. " . . . are untrue except that allegation that said property is encumbered by a trust deed on which approximately the sum of $3300.00 is unpaid.

12. That the defendant, Gretta Lafuente, was not at all times mentioned in the Plaintiff's complaint ready, able, and willing nor did said defendant ever *offer to give* Parker Gray and Isa Gray, her father and mother, any *financial assistance.*

13. That the defendant, Gretta Lafuente, was not at all times alleged in the plaintiff's complaint, ready, able and willing, nor did she at any time offer to support Parker Gray and Isa Gray, her father and mother, in *adequate living quarters.* That at none of the times alleged in plaintiff's complaint did the defendant, Gretta Lafuente, notify the Department of Charities of the County of Los Angeles, of her willingness to render *financial aid* to Parker Gray and Isa Gray, her father and mother.

Civil No. 12645 — 437600

December 2, 1941

Opinion: District Court of Appeal

SECOND APPELLATE DISTRICT—DIVISION ONE

County of Los Angeles

Plaintiff and Respondent
vs.

Gretta Gray Lafuente
Defendant and Appellant

Appeal from a judgement of the Superior Court of Los Angeles, Edward R. Brand, Judge, in an action based upon a statutory liability placed upon defendant pursuant to Section 2224 of the Welfare and Institutions Code.

For Appellant: Gretta Gray Lafuente, in propria persona

For Respondent: J. H. O'Connor, County Counsel, and Gerald G. Kelly, Deputy County Counsel

The questions presented for decision in this case arise under the provisions of Chapter I of Division III of the Welfare and Institutions Code. This chapter is self-denominated as the "Old Age Security Law" (Section 2000). All sections herein referred to are parts of it and are viewed as enacted in 1937, this case having arisen before any subsequent amendments became effective.

Section 2001 declares that "Subject to the provisions of this chapter, every person residing in the state, if in need shall be entitled to aid in old age from the State." The remainder of the chapter provides for fixing the amount of this aid, sets forth a more particular description of the persons who may claim it, states the terms and conditions on which it may be received, and provides the details of administration of the act. The primary duty of administration, including the decision whether aid shall be granted, and if so, how much, is cast upon the boards of supervisors of the several counties, subject to supervision by the State Department of Welfare. Payment of aid granted is to be made subject to partial reimbursement, by the counties. Section 2224 provided when this case arose that "If the person receiving aid has within the state a spouse or adult child pecuniarily able to support said person," then on request of the board of supervisors of the county granting aid, the "civil legal officer of the county granting aid shall, on behalf of said county, maintain an action, in the Superior Court of the county granting such aid, against said relatives, in the order named, to recover for said county such portion of the aid granted as said relative is able to pay."

This is an action brought under the authority of Section 2224. The complaint alleged, in two counts under the Old Age Security Act aid had been rendered by plaintiff county to defendant's father and mother, and that defendant was pecuniarily able *to support* her parents. Defendant in her answer denied that her income and property were as great as stated in the complaint. She further alleged as to each parent that "at all

times referred to in the complaint herein, defendant has been ready, able and willing and has offered to support and provide for her said parent at and in the home of defendant, but said parent has refused to accept said offer or support"; that this offer was made known to plaintiff's department of charities before any aid was granted, and that she was still ready, able and willing to support the parent in her home.

While the findings covered the various allegations in some detail, their general effect was that the complaint was true and the answer was untrue. Regarding defendant's offer of support, the findings were that defendant was not at the times alleged in plaintiff's complaint ready, able and willing, nor did she at any time offer to support her parents in adequate living quarters," and that she never offered to give them "any financial assistance," and she was not "ready, able and willing" to do so.

Defendant's principal contention is that prior to the payment of any money by plantiff county to her parents, she had offered to support them in her own home and had made that offer known to the plaintiff, and therefore they were not "in need" within the meaning of Section 2001, and so not eligible for the relief furnished.

It is undisputed that defendant did make such an offer and communicated it to plaintiff, but plaintiff argues that the home offered was inadequate, but from a physical standpoint and because of an incompatibility of temperament between defendant and her parents which made it impossible for them to "get along," as

the mother testified. Since we conclude that a mere offer, such as defendant made constitutes no defense to this action, we need not consider the matter of adequacy of the home offered.

To discover the legal rule on this point, we must read and consider together the various relevant sections of the Old Age Security Law, Section 2001, Welfare and Institutional Code, is the general provision declaring the policy of the law. As already noted, it limits the persons eligible for aid to those "in need." Section 2004 casts some light on this provision by declaring that the chapter does not repeal other acts for the support of "the poor" and is an additional method of supporting and providing for "the aged poor." Other sections operate to fill in the details of the picture outlined by these provisions. Thus Section 2020 limits the total amount of aid to be granted to the amount by which $35 per month exceeds the applicant's income from all other sources—certain described income being excluded from consideration here. By Sections 2164 and 2165 a single person owning real property assessed at more than $3000 or either one of a married couple which owns such property, cannot be given aid. Section 2163 prohibits aid to one owning personal property the value of which exceeds $500. The person receiving aid is not to be deemed a pauper or dubbed an indigent by reason thereof. (Section 2009). From these provisions it is obvious that to be "in need," or to be one of the "aged poor," a person need not be entirely without resources, but may own any property and receive any income below the limits stated in these sections.

What of support offered or furnished by a relative responsible for the support of the person? Does such offer or furnishing render the person to whom support is offered or furnished ineligible for aid under this law? We naturally expect to find the law dealing with these problems, and looking at Section 2160 we find its answer to them. That section begins with the statement: Aid shall be granted under this chapter to any person who comes within all of the following descriptions: . . . " Then follow separate lettered paragraphs of descriptive matter, covering age, citizenship, residence, status as inmate or not of an institution, nonconveyance of property to qualify for aid, and this: "(f) Who is not receiving adequate support from a husband, wife, or child, able and responsible under the law of this state to furnish such support." This provision is negative rather than positive, and is quite similar in its effect to an exception. It debars from the receipt of aid persons who are receiving support as specified. It is the only provision of the law dealing with the subject of support by relatives, and must be regarded as covering the whole subject of such support, whether offered or furnished. To this provision must be applied the rule that the expression of one thing is the exclusion of another. Homestead v. Sanitary Dist. v. Donohue (1938), 27 Cal. App. (2nd) 548,550; Merchants Nat. Bank v. Continental Nat. Bank (1929), 98 Cal. App. 523,532, and must conclude that no further limitation or exception regarding support from relatives was intended. Those who are receiving adequate support from relatives are not, for the purposes of the law, "in need." But no such declaration is made regard-

ing those to whom support has been offered but who have not accepted it. If otherwise eligible, they remain both in law and in fact, "in need." One who is without food, clothing and shelter is in need of them, even though he has just rejected an offer to supply them. Whether upon such rejection, he should be entitled to apply for and receive from the public aid toward getting them, is a question of policy for the legislative power. Since it has spoken on the subject, the courts cannot declare otherwise.

This construction of the statute is favored by a consideration of its history. This chapter of the Welfare and Institutional Code is a codification of a previously existing "Old Age Security Act." Section 2 of that act set forth the qualifications necessary to entitle one to receive aid covering the same subject matter as Section 2160 of the present law; and, as amended by the statutes of 1935, p. 767, paragraph (f), of said Section 2 read as follows: "(f) Has no relative of the following degree of kindred: husband, wife or child, able and responsible under the law of this state for his support"; By the effect of this provision the mere existence of relatives responsible and able to support an old person excluded him from the benefits of the law. After this provision was placed in Section 2160 of the Welfare and Institutions Code, in 1937, an amendment was made to it, at the same session, to make it read as we have already quoted it (see Stats. 1937, pp. 1083-4, 1343-4). Thus the legislature went from the one extreme of denying aid to one having responsible relatives, to the other, of denying it only to those actually supported by such relatives. The legislature might have stopped at

the intermediate position of declaring that no aid should be granted to those to whom an offer of support had been made. Its failure to do so is significant of its intention not to establish such a condition to the furnishing of aid.

The legislature manifestly intended to leave considerable freedom of action to those receiving aid. Thus the county granting aid cannot render it in kind but must pay it in warrants for money (Section 2183), which, of course, the person aided may expend as he sees fit. One receiving aid may move from one county to another without losing his right to aid (Section 2200). The statute, as we have construed it on the point under consideration, is in accord with this apparent policy; it leaves the person in need free to accept or reject a home and support offered by a relative. The legislature might properly expect that he would accept in cases where the support offered was adequate and, if the one to be supported was invited into the home of the supporter, where relations between the parties were reasonably harmonious. It might also have believed that in other cases it was better to let the support be furnished by the public and the amount thereof later collected from the relative, if able to pay, thus avoiding family contention and unpleasantness. Such considerations would afford sufficient justification for casting the legislation in the mold which, we think, was used.

Any judgement rendered against defendant, under Section 2224 must be based on her ability to pay the amount thereof. The amount of the judgement here is $738, with interest and costs. It appears that defendant

has an annual income of approximately $2,700 and a $3,000 mortgage against her house, and she has one eighteen year old son to support, as well as herself. Nothing is shown as to the amount of her necessary expenses. The trial court must be allowed a considerable amount of discretion in balancing other duties and other expenses against the duty of reimbursement imposed by the Old Age Security Law. Upon the meager evidence produced by defendant on this point we cannot say that such discretion was abused, or that the finding of defendant's ability to pay is not supported by the evidence.

SHAW, J., *pro tem.*

I concur:

YORK, P.J.

I concur in the judgement but am not in accord with some of the views and reasoning of my associates.

A reading of the reporter's transcript of the testimony given in this case impresses me that the trial court was justified in finding that the support offered her parents by Appellant was not of that "adequate character contemplated by subdivision (f) of Section 2160 of the Welfare and Institutions Code. However, it was the theory of the trial court and upon which the majority opnion herein seems to place its imprimatur, that no matter how "adequate" might be the support offered by responsible relatives, the needy person is not required to avail himself or herself thereof, but is entitled to public aid by simply rejecting the support offered. By its language the main opinion holds that the legislative policy, as enumerated in the Old Age Security Law, "leaves the person in need free to accept or reject a home and support offered by a relative," which is tantamount to saying that an applicant for aid under the act in question is entitled to receive support in cash from public funds by rejecting adequate support tendered by responsible relatives. I cannot

bring myself to believe that such is the intent or purpose of the statutes. I do feel that there are cases wherein the support offered by relatives might be determined to be inadequate, not only by reason of the amount of cash support offered, but as well because of the conditions under which the needy person might be required to live, such as inadequacy of accommodations offered or incompatibility existing in the home. If the law is as stated in the majority opinion, it matters not how "adequate" the support offered may be, the needy person may nevertheless obtain public aid by refusing to accept any kind of support, however adequate, offered by responsible relatives.

To my mind this conclusion does violence to the plain intent of the provisions of subdivision (f) of Section 2160 of the Welfare and Institutions Code, which entitles a person to Old Age relief, among other things, only when such person "is not receiving *adequate* support from a husband, wife, or child, able and responsible under the law of this state to furnish such support." (Italics added.)

It is to be noted that the statute does not require from the responsible relative financial or cash support, but only such support as is "adequate."

WHITE, J.

Filed September 29, 1942, by B. Grant Tayler, Clerk, S. F. Deputy, L. A. 18258.

In the Supreme Court of the State of California, *In Bank* County of Los Angeles, Plaintiff and Respondent, Gretta Lafuente, Defendant, and Appellant.

The Old Age Security Law (Welfare and Inst. Code, Sec. 2000-2228) gives a county a cause of action against specified responsible relatives of a person who has received aid under that statute. The appellant is the defendant in such an action and denies liability for the amount paid by the County of Los Angeles to her parents upon the ground that they were ineligible for benefits because of an offer of support made by her to them.

Parker and Isa Gray, the parents of the appellant, received old age security benefits totaling $738, from October 1, 1937, to February 1, 1939. From her employment as a teacher in the public schools, the appellant earned $2610 in the school year 1937-38, $2720 in 1938-39 and at the time of the trial of this action in December, 1939, she was earning $293 per month on a ten-month school year basis. She has an eighteen-year old son dependent upon her for support.

When Mr. and Mrs. Gray applied to the county for old age pensions, Mrs. Lafuente requested it to deny their applications upon the ground that she was able and willing to support them in her home. Her offer in this regard is not only undisputed but was admitted by Mrs. Gray, who also conceded in her testimony that Mrs. Lafuente stated that they might bring their incompetent daughter with them. And counsel for the county stipulated that the appellant notified the agencies administering the law allowing old age security

benefits she would care for her parents if they would come and live with her.

Mrs. Gray frankly stated the reasons why she and her husband did not accept their daughter's proposal. In the first place, said Mrs. Gray, "we have never gotten along in our lives and we could not get along. She has a suspicious disposition, and she has a jealous disposition . . . For another thing, I have an incompetent daughter that I have taken care of for 18 years, and I could not throw her down because she has nobody else to lean on. I am the only one she has confidence in, and her home is her whole life."

The appellant did not seriously challenge the County's showing that she is financially able to contribute t othe support of her parents, basing her defense primarily upon her offer to care for them in her own home. She admitted that she owns the house in which she is living and that for a number of years, she has been a teacher in the public schools. But the trial court made findings that she was not "ready, able and willing, nor did she at any time offer to support . . . her father and mother in adequate living quarters," also that she did not notify the respondent's Depart- of Charities of her willingness to render financial aid to her parents. Judgement followed in favor of the County for the full amount of the benefits given Mr. and Mrs. Gray, with interest.

The appellant's contentions upon appeal are numerous, and not all of them pertinent. Her argument that the County "secretly" extended aid to her parents from 1934 to the spring of 1937, without her knowledge and prior to any demand upon her to support them, is of course immaterial, since the payment by

the County of the amount sued for did not commence until October, 1937. Equally without the issues of this case is the appellant's argument that Mrs. Gray was ineligible for aid because she could have secured compensation for her care of an incompetent daughter (the appellant's sister) by suing the daughter's husband. Of more substance is the appellant's contention that her parents were not in need because she had offered, and still offers them, support in her home. The appellant also argues that, since no objection has ever been made by her parents to the physical inadequacy of her home, and the County did not question its facilities until the trial of this action, the Court should not have considered evidence concerning the accommodations offered by her. Other contentions of the appellant consist of assertions that a number of the trial court's findings of fact are not supported by evidence.

The County take the position that, under the evidence, the home offered Mr. and Mrs. Gray by the appellant was not properly habitable and that the relationship between the appellant and her parents is entirely incompatible. It also asserts that Mr. and Mrs. Gray's application fulfilled the requirements of the Old Age Security Law, and the offer of aid by the daughter, even if adequate, did not deprive them of their right to secure its benefits.

The defense of offer to support may be considered (1) as affecting the eligibility of the applicants for benefits under the statute, and (2) as affecting the liability of the appellant, as a responsible relative, to reimburse the County extending the aid, irrespective of the question of eligibility. For there is no evidence to support the Court's finding that the appellant was

not ready, able, and willing to support her parents or that she made no offer to support them in adequate living quarters. Although Mrs. Gray placed the refusal to live with her daughter, in part upon the idiosyncracies of the latter's disposition, it is apparent from the record that the motivating influence was her desire to continue the care of the incompetent daughter in the home which they occupied. It would be very dangerous to the incompetent, said Mrs. Gray, to have different arrangements made for her.

And if the Court's refernce to "adequate living quarters" was based upon the testimony of a health inspector of the City of Los Angeles, the record shows that, upon final inspection of Mrs. Lafuente's house, he found plumbing conditions passable. His criticism of the building as "unorthodox and very incomplete" and the statement that the kitchen was unsanitary because, on one occasion, "it wasn't clean, it was dirty; there were dirty dishes on the stove . . . and the floor had not been attended to," constitute opinions which do not justify the designation of the house as not being "adequate living quarters." In this connection, it is significant that at no time has Mrs. Gray or her husband, refused to live with her daughter upon the ground that the house she occupies is not adequate. Nor has the County ever contended, until the time of trial, that Mrs. Lafuente's home was unsuitable for her parents. Upon this record, therefore, the question is whether a child who is financially able to contribute to a parent's support may be compelled to reimburse a County, in whole or in part, for old age benefits if the parent has refused to live with the child in reasonably suitable quarters.

As enacted in 1929, the Old Age Security Act (Stats. 1929, Chap. 530, p. 914) made certain requirements of an applicant concerning age, citizenship and residence, and in addition provided that to be eligible one must have "no children or other person able to support him and responsible under the law of this state for his support." And the board of supervisors of a County extending the aid could require the recipient to transfer his property to the County as security for the aid so advanced. Quite logically the legislature gave the County no right to reimbursement against a responsible relative, for if the applicant had such a relative he was not entitled to benefits. The statute apparently contemplated that an aged person neglected by a responsible relative, should enforce that liability by legal action. (Cw. Code, Sec. 206; see note, 26 Cal. L Rev. 339-340).

Ineligibility arising from the existence of a financially responsible relative was retained when the legislature amended the statute in 1935 to read: "Aid may be granted under this act to any person who * * * Has no relative of the following degree of kindred: Husband, wife or child, able and responsible under the law of this State for his support * * * " 1935, pp. 1767-68, Sec. 2) and the aid granted expressly was made a debt of the recipient, including a lien against his real property (Sec. 41). But there was no provision requiring responsible relatives to reimburse the County.

Ih 1937, these legislative policies were radically changed by the Old Age Security Law, enacted as a part of the Welfare and Institutions Code (Stats. 1937, Chap. 375; Welfare & Inst. Code, Sec. 2000-2228). The new statute provided, in part: "aid shall be granted under this chapter to any person who comes within all

of the following descriptions: * * * Who is not receiving adequate support from a husband, wife, or child, able and responsible under the law of this State to furnish such support." (Sec. 2160.) And the debt or liability created for aid granted was shifted from the recipient thereof to a spouse or adult child pecuniarily able to support the recipient (Sec. 2224). The legislature also declared that all liens theretofore imposed upon the property of a recipient should be discharged (Sec. 2225), (subsequently held unconstitutional in County of Los Angeles v. Jessup, 11 Cal. [2nd] 273). But cf. County of Alameda v. Janssen, 16 Cal. [2nd] 276).

The rights of the parties must be measured by the 1937 Statute and to hold that an unaccepted offer of support in the home of a relative renders ineligible the applicant for old age security benefits requires the interpolation of words which the legislature has not used. There is no ambiguity in Sec. 2160 of the Welfare and Institutions Code, and no rule of construction allows a court to write into a clear provision of law an exception which would restrict its operation.

It is true that the Old Age Security Law declares: "Subject to the provisions of this chapter, every person residing in the state, if in need, shall be entitled to aid in old age from the State." (Sec. 2001, Supra.) But the "need" of the applicant necessary to qualify for the benefits of the law is defined by the legislature to be the absence of actual receipt of support by the applicant from responsible relatives and by the properly limitations of the law (Sec. 2163, 2164, Supra.). Under these sections an applicant may be eligible although he owns personal property not exceeding $500 in value

(Sec. 2163) and real property having an assessed value not in excess of $3000 (Sec. 2164).

The right to receive benefits is not conditioned upon the destitution and pauperism required for indigent relief provided by the state and its subdivisions under Division IV of the Welfare and Institutions Code, (Welfare and Inst. Code, Sec. 2500-2615). And although the Old Age Security Law is declared to be an additional method of supporting and providing for the aged poor (Welfare & Inst. Code, Sec. 2004), yet no person receiving aid under its provisions "shall be deemed a pauper by reason thereof. No warrant drawn in payment of the aid given under the provisions of this chapter shall contain any reference to indigency or pauperism." (Sec. 2009.) Further dignity is given to the receipt of old age security benefits by the policy that such aid shall be provided to every applicant in his home, if possible (Sec. 2005), and the benefits must be paid by warrant and not in the form of merchandise orders for food, rent or otherwise (Sec. 2183).

Both the letter and the spirit of the Old Age Security Law clearly show that only the receipt of support from responsible relatives should render the applicant ineligible for benefits under it. The reason for the social policy given effect by the statute is clearly illustrated in the present action, where the appellant's mother asserts that she and her daughter have never been able to live together harmoniously. Certainly the state may provide a needy aged person with a certain measure of independence and happiness of mind in addition to physical security. Whether it is wise to give benefits to one who has a child willing and able to support him is a question for the attention of the legislature and not

for the Courts. (Moore v. State Social Security Commission, 233 Mo. App. 536,542, 122 S. W. [2nd] 391,394; Conant v. State, 197. Wash. 21, 84 Pac. [2nd] 378.) But, argues the appellant, may an extension of aid under such circumstances be justified under the California Constitution?

The only provision seriously urged as conflicting with the legislative grant of old age security benefits is Section 31 of Article IV, prohibiting the legislature from making or authorizing a gift of public money, or thing of value to any individual or corporation. The section expressly provides, however, that nothing shall prevent the legislature from granting aid pursuant to Sec. 22 of Article IV, which in turn authorizes the granting of aid to aged perssons in indigent circumstances." Therefore the legislative provision for old age security benefits does not constitute a violation of the Constitution if (1) it is not a gift of money or thing of value, or (2) it is a grant of aid to indigent aged.

In determining whether an appropriation of public money is to be considered a gift within the Constitutional prohibition, the primary question is whether the funds are to be used for a public or a private purpose. If the money is for a public purpose, the appropriation is not a gift even though private persons are benefited by the expenditure (County of San Diego v. Hammond, 6 Cal. [2nd] 709 [use of County funds to pay delinquent assessments on overburdened property]; Allied Architects [erection of memorial hall for war veterans]; Veterans' Welfare Board v. Riley, 188 Cal. 607 [transportation, tuition and living expenses for education of veterans]; MacMillan v. Clarke, 184, Cal. 491 [free school text books]; Patrick v. Riley, 209

Cal. 350 [payments for destruction of diseased cattle]; Sacramento & San Joaquin Drainage. List v. Riley, 199 Cal. 668 [flood control]; San Francisco v. Collins, 216 Cal. 187 [bond issue for relief of indigent sick and poor]; The Housing Authorities of Los Angeles v. Dockweiler, 14 Cal. [2nd] 437 [slum clearance]; Goodall v. Brite, 11 Cal. [2nd] 540 [free treatment in county hospital only for those unable to pay]; and see notes in 9 Cal. Law Rev. 431, 18 Cal. Law Rev. 697). Applyng this rule it was recently decided that the act of the legislature in releasing liens against the property of recipients of old age security benefits was reasonably justifiable as being for the general public welfare, although such releases were also a grant of aid pursuant to Section 22 of Article IV, for the support of indigent aged (County of Alameda v. Janssen, Supra). The courts will not disturb a legislative determination of what constitutes a public purpose so long as it has a reasonable basis (Nebbia v. New York, 291 U.S., 502; Powell v. Pennsylvania, 127 U. S., 678; Veterans' Welfare Board v. Riley, Supra.; Daggett v. Calgan, 92 Cal. 53).

The care and relief of aged persons who are in need clearly may be a special matter of state concern in promoting public health and welfare, and, for the reasons stated, the legislature in enacting the Old Age Security Law, based upon a broad social policy, has not made a gift of public money within the Constitutional prohibition. It is therefore unnecessary to determine whether one who owns property not exceeding the amount specified by the Old Age Security Law and who has refused the offer of a home with a relative responsible under the law for his support is in indigent circum-

stances within the meaning of Section 22 of Article IV of the Constitution.

But even though the recipient of old age security benefits may be entitled to receive the benefits of the law, yet, the appellant contends, the County should have no right to reimbursement from a responsible relative when, before aid was extended, the relative offered to support the recipient in her home. Section 2224 of the Welfare and Institutions Code is complete in itself, and gives a right of action to the County if the person receiving aid has within the state a spouse or adult child pecuniarily able to support him. Upon the direction of the designated authorities, recovery may be had of such portion of the aid advanced as the relative is able to pay. (County of Lake v. Forbes, 42 Cal. App. [2nd] 744.)

The measure of responsibility as fixed by this statute, is in terms of money. If, as contended by the appellant, the only way in which she could support her parents was in her home and not by pecuniary assistance, such fact would constitute an absolute defense to her liability under the statute. The intention of the legislature in this regard is also shown by the 1941 amendment to Section 2181 of the Welfare and Institutions Code, establishing a relative's maximum contribution scale based entirely upon the monetary income of the relative and the number of persons dependent on that income for support, and also providing the board of supervisors with discretion to accept less than the amount established by the scale in the event of unusual expenses. But there is no evidence of the appellant's inability to give her parents any financial assistance other than her own assertion to that effect, unsupported by any testi-

mony as to how her relatively large income is spent. Under such circumstances, the trial court was clearly justified in finding that she is able to contribute to the financial support of her parents and to reimburse the County for the aid advanced to them.

The judgement is affirmed.

We concur: Shenk J., Curtis J., Edmonds J., Carter J., Traynor J.

Received copy of the within for the judge who tried the case the _____ day, _____, A.D.

MONONTAV, *County Clerk*

By _____, *Deputy*

_____

Service of the within and receipt of a copy thereof is hereby admitted this _____ day of _____ A.D., 1942.

In the Supreme Court

OF THE

United States

OCTOBER TERM, 1943

No. 566

GRETTA LAFUENTE,

Petitioner,

vs.

COUNTY OF LOS ANGELES,

Respondent.

PETITIONER'S PETITION FOR REHEARING OF PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF STATE OF CALIFORNIA

GRETTA LAFUENTE,

Petitioner In Propria Persona

JOHN H. O'CONNOR,

County Counsel

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In the Supreme Court

OF THE

United States

OCTOBER TERM, 1942

NO. 566

GRETTA LAFUENTE,

Petitioner,

COUNTY OF LOS ANGELES,

Respondent.

REQUEST FOR REHEARING

Presented in good faith and not for delay.

To Franklin Delano Roosevelt, President of United States and to the Honorable Harlan Fiske Stone, Chief Justice, and to the other Honorable Judges of the Supreme Court of United States, I, Gretta Lafuente, citizen of United States, do respectfully motion for leave to file this Petition for Rehearing of my petition for a Writ of Certiorari to the Supreme Court of State of California by the Supreme Court of United States.

Reasons for Rehearing:

Erroneous decision upsetting prior precedents of the United States Supreme Court is involved in this case. Our Constitutional form of government is bent toward some kind of unbalanced government, instead of retaining our heritage as freemen with rights secure for *every class* of persons, thereby our standing as a republic is questioned.

JURISDICTION:

(1) An Appeal.

(2) Asserted Federal Rights Denied.

(3) United States Guarantees State's Republican Form of Government.

I.—By Certiorari, the Supreme Court of United States has the same power of review as if the case came before it on appeal.

(Geo. A. Fuller v Otis Elevator Co., 245 U. S. 489.)

The fact that this matter received consideration by the District Court of Appeal, as well as the Supreme Court of the State of California, does not correct the mistake committed. The District Court of Appeal rendered its decision with an opposite separate opinion by Hon. Thomas White J. (see pp. 9 and 10 Appendix, No. 18258, Oct. Term 1942, United States Supreme Court, and Earl Warren, then District Attorney, now Governor of the State of California, stated an opinion favorable to Appellant. Then the case was presented to the Supreme Court of California which granted a hearing evidently because they must have thought that preceding decisions were not sound. The Supreme

Court of California *did* question the decision of the Superior Court (the Trial Court), and that of the District Court of Appeal.

Question: By the Supreme Court of the State of California, decision, quoting:

"Upon this record therefore the question is whether a child . . . may be compelled to reimburse a county . . . for old age benefits if the parent has refused to live with the child *in reasonable suitable quarters.*" (See p. 14 Appendix in Supreme Court of the United States, Petition for Writ of Certiorari, No. 18258, October Term 1942.)

Answer: By Hon. Thomas White J.'s decision in District Court of Appeal, Civil No. 12645, quoting:

"It is to be noted that the statute does not require from the responsible relative *financial or cash support, but only support as is 'adequate.'* "

(See p. 10 Appendix Supreme Court of United States, Petition for Writ of Certiorari, No. 18258, October Term 1942.) Welfare & Inst. Code, Stats. 1937, Chap. 375, Sec. 2224 under which sued, and Sec. 2160f, quoting: " . . . *adequate support* from a child able and *responsible* under the law of this state to furnish such *support.*"

Argument: What kind of support demanded by legislature? "Adequate" support, and only that.

II.—Where the question arises, if the basis of fact upon which the state court rested its decision denying asserted Federal rights, has any support in the record, it is the duty of the United States Supreme Court to review and correct the error.

Southern Pac. Co. v Schuyler, 227 U. S. 601,611.

Northern Pac. Ry. Co. v North Dakota, 236 U. S. 585,593.

Postal Telegraph Co. v Newport, 247 U. S. 464,473.

It is a gross disregard of the rights of the *class* of people who are *adult children* for the courts to consider parents and county rights only, especially since an adult child is being sued. "If in need" and "aid to the needy," is repeated in the statute under which suit is begun, one hundred and two times. However, the court reads into the provisions of the statute, provisions to make it possible to give aid. *Yet under the same law* that same court *completely disregards* the rights of *another class,* the one which is being sued—adult children—which class the legislature has protected in its provisions by *limiting the extent* of their responsibility to support to only requiring them to furnish "adequate" support. Though stated by the legislature simply and clearly, the court has shown prejudice against adult children by disregarding the word "adequate" put in by the legislature. The court has substituted the word "financial" for "adequate," demanding financial support in place of adequate support. However, food, lodging, clothing, etc., in *"reasonable suitable quarters"* is adequate support. (See Trial Court Decision Preface Appendix in Petitioner's Petition for Writ of Certiorari in the Supreme Court of United States, October Term 1942, No. 18258.)

The Supreme Court of California's decision considers the case on an *unequal, prejudiced and oppressive basis toward the class of citizens—adult children*—as to amount to *unjust illegal discrimination* between *classes considered.* Judgment was directed against a

particular class of persons, namely, adult children, to amount to the *practical denial* by the State of that equal right under the law for all classes' rights under the law to be equally considered. Protection to that class written in the law by the state legislature is disregarded by the state court though that protection is particularly and precisely set down in the law, their responsibility *exactly limited*. Thus denying the adult child the protection the legislature had given that class by such *limitation* of the support which is their responsibility to provide.

III.—If judges can disregard provisions of the law so expressly made by the state legislature, we have eliminated the legislative branch of the state government to all intents and purposes. When any branch of our state government is eliminated, our Federal Government is no longer standing back of its guarantees (see United States Constitution, Article 4, Section 4) quoting:

"The United States shall guarantee to every state in this Union a republican form of government," namely, an executive, legislative, judiciary, with recognition of certain inherent individual rights.

The legislature requires only such support as is "adequate." Food, clothing, lodging, etc., is *adequate* support. "Adequate," the kind of support specifically stated, definitely arranged, exactly settled, particularly agreed, precisely mentioned. The only limitation placed on the responsibility to support, is that it be "adequate." No rule of construction allows a court to write into a clear provision of law an exception which would restrict or change its operation especially when it is al-

ready restricted only as to being necessary to be "adequate."

Such a verdict would be possible in an unbalanced government, but a republic demands that the rights of all classes be equally considered as guaranteed in the United States Constitution, Amendment XIV. When one class of people's rights to equal rights to having their rights considered under the law are denied, the United States Constitution becomes a scrap of paper, our government a hypocrisy. The drift would result in some kind of unbalanced government with no guarantees to any class, parents, adults, or any other class. State judges are bound U. S. Constitution, Article VI.

Wherefore, your petitioner, respectfully prays that certiorari be granted and respectfully submits that her petition is well taken.

Dated: Los Angeles, California, January 26, 1943.

Respectfully submitted,

GRETTA LAFUENTE,

In Propria Persona

Due service and receipt of a copy of the within is

hereby admitted this.....day of January, 1943.

.....

.....

Attorneys for Respondent.

(23)

In the Supreme Court

OF THE

United States

OCTOBER TERM, 1942

No. 566

GRETTA LAFUENTE,
Petitioner,

vs.

COUNTY OF LOS ANGELES,
Respondent.

Second Petition for Rehearing

PETITIONER'S PETITION FOR REHEARING OF PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF STATE OF CALIFORNIA

GRETTA LAFUENTE,
Petitioner in Propria Persona

JOHN H. O'CONNOR,
County Counsel

In the Supreme Court
OF THE
United States

OCTOBER TERM, 1942

NO. 566

GRETTA LAFUENTE,
Petitioner,

COUNTY OF LOS ANGELES,
Respondent.

Preface
MOTION FOR LEAVE TO FILE SECOND REQUEST FOR REHEARING

Presented in good faith and not for delay.

To Franklin Delano Roosevelt, President of United States and to the Honorable Harlan Fiske Stone, Chief Justice, and to the other Honorable Judges of the Supreme Court of United States, I, Gretta Lafuente, citizen of United States, do respectfully motion for leave to file this second Petition for Rehearing of my petition for a Writ of Certiorari to the Supreme Court of State of California by the Supreme Court of United States, in order to better present the question in its broader aspects since it affects so many people and the state's decision is not in accord with applicable decisions of this court. False judicial practice and false standards of government are involved which have so far departed from the accepted and usual course of judicial proceeding as to call for an exercise of this court's power of supervision. The family is outraged. Individual rights are abandoned.

— 1 —

Reasons for Rehearing:

England though bombed has managed to pay pensions to her aged citizens. *Do we not consider ourselves as clever,* or our people as worthy?—or—cannot the post-war world afford to have America take care of her people as well as any other people, even finding it necessary to outrage the family by "phoney" legislation, considering it expedient to butcher and infuriate family relations by strange maneuvers of governmental treachery when it should be stabilizing society by promoting solidarity. Instead it breeds internal strife.

A war to be won abroad, yes. Also, what about dangerous enemies within, where attack is easier. They must not be forgotten in the meantime, either. Let them destroy the family and they could destroy all, creating irresponsibility. Trace delinquency. Will you not find the large majority of cases are from broken families? The family is the normal haven for the individual to go in faith for comfort, understanding, love, *loyalty,* unity, community interest. This source of sound emotional possibilities should not be destroyed. Nothing could be calculated to upset society more inauspiciously than to sneakingly undermine the home. Show me a community of strength and I shall be able to point out to you strong family relations and loyalty. Wherever families stick together there is permanent strength. Never unroot family affections, is the rule of those accustomed to handling people—*when*—working for stability in society.

The following sentiments by our best beloved authors voice our feelings. They are the history of our race. Such sentiments are needed in this trial. Since the technical side has been covered in Appellant's former briefs in this case, please read. Laws carry out our sentiments.

Sentiments are what is born and bred into us from the beginning of time. They are what we are. We are too sober thinking people ever to submit to less.

"With luxury and pride surrounded,
The *vile,* never satisfied, dare,
Their thirst for gold and power unbounded,
To measure out and sell the light and air."

(*Parents, children,* love and hope, and all that makes our life worth while.)

"But man is man, and who is more?
Oh, Liberty! can man *resign* thee,
Once having felt thy gen'rous flame?"

"I gaze upon the moon as I tread the drear wild,
And feel that my mother now thinks of her child."

" 'Mid pleasures and palaces though we may roam,
Be it ever so humble there's no place like home.
A charm from the skies seems to hallow us there,
Which seek thro' the world" (shall cheer me no more.)

"Thou wilt not cower in the dust.
I see no blush upon thy cheek.
Thou wilt not crook at (any) control."

"Oh! Columbia the gem of the ocean,
The home of the brave and the free;
The shrine of each patriot's devotion,
A world offers homage to thee."

"Thy mandates make heroes assemble,
When liberty's form stands in view.
Thy banners make tyranny tremble
When borne by the red, white and blue."

These are standards we understand. They are good standards. The soldiers *are* winning abroad. Let cowards squirm at home who are alien before that great goddess who holds the torch of man's courageous onward march. For these men who have seen their innocent comrades murdered, crippled, maimed, mutilated, sacrificed, will be thinking men. Force, death, ruin, waste, plunder, will have given them a philosophy of contempt for the ruthless. Our soldiers—*men* returning—will rightly expect that we have kept their way of life secure for them. Theirs is a heritage of independent liberty-loving freemen. That precious dignity and identity they shall never be willing to lose. Any such attempt would be to admit that we had rotted.

Our laws have always carried out such purposes, which have developed forward. America will never surrender them, not even with the promise of what is going to come lest it sound unreliable. No robbing of fundamental gains of the ages for future possibilities. *We can solve our problems without backsliding.* What we have got we must keep and add to it as possible lest we lose our way and find ourselves in the lap of pretenders. Each one of us (unless we be useless parasites) can have but one thing in mind as loyal members of our Republic, whose boys' lives are dedicated to us in foreign fields of battle, that we at home shall carry on the purpose of our kind, fighting each day wherever we are, each step that we take that our kind of constitutional government survives (or we shall be knighted yellow-livered). *People must have laws they can rely on to know on what they depend.* Else where are we? Fight we must, the same as they are fighting, that we be not overrun by Japanese or any other foreign soldiers. We owe it to ourselves and to the millions who come after us. We must give our best in soundest thinking as they are giving their all in bloody battle.

Wherefore, your petitioner, respectfully prays that certiorari be granted and respectfully submits that her petition is well taken.

Dated: Los Angeles, California, February 24, 1943.

Respectfully submitted,

GRETTA LAFUENTE,

In Propia Persona

Due service and receipt of a copy of the within is hereby admitted this_____day of February, 1943.

_____

_____

Attorneys for Respondent.

(24)

In the Supreme Court

OF THE

United States

OCTOBER TERM, 1942

No. 566

GRETTA LAFUENTE,
Petitioner,

vs.

COUNTY OF LOS ANGELES,
Respondent.

Third Petition for Rehearing

PETITIONER'S PETITION FOR REHEARING OF PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF STATE OF CALIFORNIA

GRETTA LAFUENTE,
Petitioner in Propria Persona

JOHN H. O'CONNOR,
County Counsel

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In the Supreme Court
OF THE
United States

OCTOBER TERM, 1942

NO. 566

GRETTA LAFUENTE,
Petitioner,

COUNTY OF LOS ANGELES,
Respondent.

Preface
MOTION FOR LEAVE TO FILE THIRD PETITION FOR REHEARING

Presented in good faith and not for delay.

To Franklin Delano Roosevelt, President of United States and to the Honorable Harlan Fiske Stone, Chief Justice, and to the other Honorable Judges of the Supreme Court of United States, I, Gretta Lafuente, citizen of United States, do respectfully motion for leave to file this third Petition for Rehearing of my petition for a Writ of Certiorari to the Supreme Court of State of California by the Supreme Court of United States, in order to better present the question in its more technical aspects since it affects so many people and the state's decision is not in accord with applicable decisions of this court. False judicial practice and false standards of government are involved which have so far departed from the accepted and usual course of judicial proceeding as to call for an exercise of this court's power of supervision. The family is outraged. Individual rights are abandoned.

Reasons for Rehearing:

To avoid repetition please include here also Appellant's *first and second petition for rehearing which covers jurisdictions, etc., with this third petition for rehearing.*

Please see the decision of the Supreme Court of California in the Supreme Court of United States, October Term 1942, No. 18258. Appendix, on the pages referred to in the following paragraphs:

p. 11, quoting: "The Appellant is the defendant in such an action and denies liability for amount paid by the County of Los Angeles to her parents upon the ground that they were ineligible for benefits because of an offer of support made by her to them."

p. 13: "Of more substance is the Appellant's contention that her parents were not in need because she had offered and still offers them support in her home."

p. 15 & *16*: "Stats. 1937, Chap. 375; Welfare & Inst. Code. Sec. 2000-2228 *"—aid shall be granted under this chapter to any person who comes within all of the following descriptions * * * who is not receiving adequate support from a husband, wife or child, able and responsible under the law of this state to furnish such support. (Sec. 2160 Wel. & Inst. Code.)"* (Note: receive carries no meaning of assent. One receives a verdict from the court whether one wishes it or not.) Parents receive support. It is legally with their adult child, if the child has never refused it to them. The law penalizes children who *refuse* by Sec. 2224 Wel. & Inst. Code. The Old Age Security Law declares: "Subject to the provisions of this chapter, every person residing in the state, *if in need,* shall be entitled to *aid* in old age *from the state.*" (Sec. 2001 Supra.) This section is the *very*

title to the chapter which deals with giving *aid* to the *needy*. This thought of giving *aid* and only to the *needy* is repeated throughout. Parents did not have a right to refuse their *legal support* to ask and get *aid*, any more than they would have a right to refuse to use one thousand dollars if they had it in the bank. Quoting Earl Warren, then District Attorney, now Governor of California, in the District Court of Appeal, Reply Brief, 2nd Civil No. 12645, pp. 10 and 11: "Section 2001 of the Welfare and Institutions Code only authorizes the granting of aid to an aged person *'if in need.'* In my opinion an aged person who can be supported in the manner set forth above should not be considered a needy person and would not therefore be eligible to aid. In other words, such applicant should not be permitted to qualify for old age security by rejecting such adequate support any more than the applicant should be permitted to qualify for old age aid by rejecting an offer of $50 each month from a responsible relative."

p. 18, 19, 20: The Supreme Court of California submits Sec. 22, Art. IV, Calif. Const. which refers to support of indigent aged. (But an old person is not indigent [destitute] who has a responsible relative with whom he is legally entitled to adequate support. Note Sec. 2004 Wel. & Inst. Code: "Nothing in this chapter shall be construed as repealing any act or part of an act providing for the support of the *poor* as far as inconsistent herewith, and the provisions of this chapter shall be construed as an additional method of supporting and providing for the aged *poor*." The legislature thereby states that it is *not* making any *dramatic changes* in the law. Again Sec. 31 & Art. IV is referred to concerning making a gift of *public* money. However, their arguments are immaterial. It is not public money they wish to give away, but Appellant's money.

The primary question is: Does the legislature designate *any place,* that it expects the adult child to pay a pension? The court was not determining on the expediency of making a gift to aged indigents of *public money* but whether the legislature meant that adult children must pay pensions or may support dependents in their own homes *according to custom* and all laws to date.

Under Sec. 2160-f Wel. & Inst. Code the legislature designated persons eligible for aid. They can give only to those without husband, wife or child or, having one, and that one being *unable* or *unwilling* to provide adequate support which the state law obligates such responsible relatives to provide. Rights go with obligations. No one has a right to furnish money to your dependent without your knowledge and consent and then collect from you, especially with you available. The same laws apply to parent and child as to child and parent. See Calif. Civil Code, Title II Parent and Child, Chap. I, Children by Birth, Sec. 206: *"Reciprocal* duties of parents and children in *maintaining each* other. It is the duty of the father, the mother and the children of any poor person who is able to maintain himself by work to *maintain* such person to the extent of their ability."

"The *promise* of an adult child to pay for necessaries previously furnished to such parent is binding." Notice it takes a *promise* from the responsible party to make reimbursement possible. Appellant never gave such a promise. To find reasons to use public funds for public benefits is one thing, but quite a different thing to take money from an individual. Quite a different thing to deny a person the right to support his dependent the way that is convenient to him within the law and the taking over by the public of a social security pro-

gram, paid for by all. Money was paid Appellant's dependents without her consent and even without her knowledge. Appellant's parents *have* as their lawful right support with their adult child, since it was never denied them and was available. It is their asset. One cannot throw away assets. Also because Appellant can furnish support in her home does not mean that she has ability to pay money out to them since she needs the money she gets to maintain the one home, her present home whom all who have the right may share. It is unreasonable to expect this generation to furnish two homes when the last generation could not hold on to one. Rep. Tr. p. 30, l. 20-22. By Mrs. Lafuente: "I can maintain but one home, I haven't finances for more than one home."

When talking about money matters, what is meant is exactly stated. The legislature gives a child the responsibility to support, not to pay a pension to parents. A parent cannot be considered in *need* and eligible for *aid* who rejects support in the home of their adult child. A state of mutual obligation exists between parent and child; the parent does not pay money to the child but supports. Both *share* benefits. Likewise the child supports the parent. Appellant is obligated to support her parents but not to pay a pension. Money can be forced from adult children only if they have refused to support their parents. See Calif. Law Review, Vol. 26, 1937-1938, pp. 338-340.) Appellant has discharged her duty. See *Calif. Civil Code, Sec. 1512.*

Quoting: *"If the performance of an obligation be prevented by the creditor, the debtor is entitled to all the benefits which he would have obtained if it had been performed by both parties."* Sec. 1496: "The thing to be delivered, if any, need not in any case be actually produced, upon an offer of performance, unless the

offer is accepted." This is a prejudicial issue. The cause of this trial is not through the efforts of Appellant. You cannot affix the blame on some one without proof of their wrongdoing. Art. I, Sec. 2007 Wel. & Inst. Code: "Any person who obtains or attempts to obtain, or aids or abets any person to obtain *aid* to which he is not entitled, a larger amount of *aid* than that to which he is legally entitled * * * *is guilty of a misdemeanor.*"

Aged *aid* money was illegally given. The *entire* Welfare & Institutions Code referring to *aged aid* is under the same heading as is aid to the *Needy* Blind and *Needy* Children and must be considered so to give it proper meaning. So long as people are given money they will not use their legal support. People will very often take money if it is given to them, but that doesn't make it fair to have an innocent party be forced to pay for it. If it was the intention of the legislature to establish a pension they would not have always referred to it as *'aid to the needy'* and the provisions for it placed under the *same heading* as Aid to *Needy* Children and the *Needy* Blind. You cannot force someone to draw on a thousand dollars they have in the bank, but they would *not* be *in need* nor *entitled to aid* and would probably draw on it if they couldn't chisel. An adult child cannot be held responsible to reimburse for money illegally given.

Wherefore, your petitioner, respectfully prays that certiorari be granted.

Dated: Los Angeles, California, March 19, 1943.

Respectfully submitted,

GRETTA LAFUENTE,

In Propria Persona

(22)

In the Supreme Court

OF THE

United States

OCTOBER TERM, 1942

No. 566

GRETTA LAFUENTE,

Petitioner,

vs.

COUNTY OF LOS ANGELES,

Respondent.

Fourth Petition for Rehearing

PETITIONER'S PETITION FOR REHEARING OF PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF STATE OF CALIFORNIA

GRETTA LAFUENTE,
Petitioner in Propria Persona

JOHN H. O'CONNOR,
County Counsel

TABLE OF AUTHORITIES AND STATUTES

1. California Civil Code, Title II, Parent and Child, Chap. I, Sec. 206 4

2. The California State Legislature (as this goes to press) is considering striking out the Relative Responsibility Clause as recommended by committee, moved ahead with "do pass" 1

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5. Decision of Supreme Court of California . 1, & 3, 4 & 5

6. Reporter's Transcript in District Court of Appeal of the State of California, p. 49, lines 1-20, Civil No. 12645 p. 29 & 30, in the District Court of Appeal . 3 & 4

In the Supreme Court
OF THE
United States

OCTOBER TERM, 1942

NO. 566

GRETTA LAFUENTE,
Petitioner,

COUNTY OF LOS ANGELES,
Respondent.

Preface
MOTION FOR LEAVE TO FILE FOURTH PETITION FOR REHEARING

Presented in good faith and not for delay.

To Franklin Delano Roosevelt, President of United States and to the Honorable Harlan Fiske Stone, Chief Justice, and to the other Honorable Judges of the Supreme Court of United States, I, Gretta Lafuente, citizen of United States, do respectfully motion for leave to file this fourth Petition for Rehearing of my petition for a Writ of Certiorari to the Supreme Court of State of California by the Supreme Court of United States, in order to better present the question in its more technical aspects since it affects so many people and the state's decision is not in accord with applicable decisions of this court. False judicial practice and false standards of government are involved which have so far departed from the accepted and usual course of judicial proceeding as to call for an exercise of this court's power of supervision. The family is outraged. Individual rights are abandoned.

Reasons for Rehearing:

To avoid repetition please include here also Appellant's *first, second, and third petitions for rehearing which covers jurisdictions, etc., with this fourth petition for rehearing.*

AS THIS GOES TO PRESS, the California State Legislature is considering striking out the relative responsibility clause of the Welfare and Institution Code as recommended by committee, moved ahead with "do pass," so states the newspaper and radio—WHICH PROVES THE FEELING ON THIS MATTER BY THE CALIFORNIA STATE LEGISLATURE *is very different from the way the California Supreme Court interpreted the law.* However, even if that passes, though it would eliminate many disgraceful trials in the future, there is still the condition that you should take care of this case in order to provide for such situations from the year 1934 to the present.

Please see the decision of the Supreme Court of California in the Supreme Court of United States, October Term 1942, No. 18258. Appendix, on the pages referred to in the following paragraphs:

p. 17, quoting: "Certainly the *state* may provide a needy aged person with a certain measure of independence and happiness of mind in addition to physical security." (Italics added)

A pretty statement! APPELLANT is to be the *WAND??*

The above quoted statement is only shadow boxing, entirely immaterial. Their arguments and decision should not be concerning *"the State to provide"* as they state, for their *decision* makes the *child pay* the *pen-*

sion which *they argue* should be done by the state. *Such a confusion of issues! A child is an individual, not a State!* And we are engaged in considering the law, not what we wish or believe; not whether the State *should* pay, but whether *the legislature says a child must pay a pension!*

p. 18—(more contrary to fact mode of argument by the Supreme Court of California), quoting:

"The only provision seriously urged as conflicting with the legislative grant of old age security benefits is Section 31 of Article IV, prohibiting the legislature from making or authorizing a gift of public money or thing of value to any individual or corporation. The section expressly provides, however, that nothing shall prevent the legislature from granting aid pursuant to Sec. 22 of Article IV which in turn authorizes the granting of aid to aged persons in *'indigent circumstances.'*"

What talk! They are not giving public money for public benefits, but Appellant's money to Appellant's dependent. Though they might twist the Constitution to give them power to spend public money, that doesn't give them the power to spend Appellant's money! *And, for goodness' sake, an individual is not able to finance their theories!* Moreover and above all, even the Constitution restricts gifts to *indigents;* an old person with an adult child furnishing his adequate support *is not in "indigent circumstances."*

p. 18, continuing the decision of the California Supreme Court: "In determining whether an appropriation of public money is to be considered a gift within the Constitutional prohibition, the primary question

is whether the funds are to be used for a public or private purpose."

Entirely immaterial. They should not be determining whether they can give public money as a gift. It is Appellant's money the trial is over and which they wish to force from Appellant in spite of the fact that the law obligates her only to support. Also by "her own assertion," in her home is the only way she could support. As to showing exactly how she spends her income, *there was no other testimony Appellant could give as to how her income is spent years after it is spent,* she not knowing that there was to be such an accounting since the money was given secretly as well as underhandedly, as instructions to Appellant from the Department of Charities shows!

Please see (Rep. Tr. p. 49 l 1-20, Civil No. 12645, p. 29 & 30 in District Court of Appeal) quoting:

"April 7, 1937. Gretta Gray Lafuente reported today to the Department of Charities, Special Aid Division, Bureau of Indigent Relief, at 434 S. San Pedro St., L. A. She reported that she went on April 5th and again with her son on April 7, 1937, to her father at 5446 Romaine St., Los Angeles, offering her father a home with her. He refused to accept her offer."

(*Why would he?? Already he had received money without Appellant's knowledge for two years from the L.A. Dept. of Charities!*)

"She was then instructed by the Adult State Aid of the Department of Charities that she should wait for her father to notify her or the State Department to notify her if her father decided to change his mind and come. Also she notified the State Department that if they wished to get in touch with her to send her a let-

ter to 234 S. Tower Dr., Beverly Hills, or they could find her any school day at Lafayette Junior High School, Los Angeles. This is signed by Miss Hutchings, Director No. 10, Asst."

There are no grounds that the respondent or the Supreme Court of California finds for establishing eligibility of old people to pensions (paid for by a child, *for there are no such provisions.*) Their efforts to force money from Appellant for her dependents, whose adequate support she furnishes amounts to nothing but *shadow boxing—blackmail!* What a state of affairs has been created; Parents, child, family, home ruined! Manpower and morale of both undermined! *Claiming they wish to establish a pension paid for by a child their arguments, however, point to how it is possible for the State to pay a pension!* Not one place do they show where the legislature has indicated that it expects the adult child to do anything but support their dependents, as has always been customary, penalizing children only when they refuse their responsibility as has been customary!

Also let us remember that in California we still have:

Calif. Civil Code, Title II, Parent and Child, Chap. I, Children by Birth, Sec. 206, quoting:

"Reciprocal duties of parent and children in maintaining each other. It is the duty of the father, the mother, and the children of any poor person, who is able to maintain himself by work to *maintain* such person to the extent of their ability.

The *promise* of an adult child to *pay* for necessaries previously furnished to such dependent is binding."

Notice it takes a *promise* from the responsible party to make reimbursement possible! Appellant *never gave* such a promise!

Also the California Supreme Court seems to make a point of the fact that Appellant is a public school teacher, as if those in public service had less rights than other individuals! At that, I presume they would consider that it would be perfectly alright for some one to get the notion of paying money to *their* children and expect them, the father, years after the secret payments to reimburse someone who gives to their dependent children! If it would work with parents there is no reason why it would not also work with children!

Wherefore, your petitioner, respectfully prays that certiorari be granted.

Dated: Los Angeles, California, April 22, 1943.

Respectfully submitted,

GRETTA LAFUENTE,

In Propria Persona

In the Supreme Court

OF THE

United States

OCTOBER TERM, 1942

No. 566

GRETTA LAFUENTE,

Petitioner,

vs.

COUNTY OF LOS ANGELES,

Respondent.

Fifth Petition for Rehearing

PETITIONER'S PETITION FOR REHEARING OF PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF STATE OF CALIFORNIA

GRETTA LAFUENTE,
Petitioner in Propria Persona

JOHN H. O'CONNOR,
County Counsel

TABLE OF AUTHORITIES AND STATUTES

1. Assembly Bill No. 1994, Sec. 8 - 2160 Amended to read 8f 4

2. California Civil Code, Title II, Parent and Child, Chap 1, Sec. 206 3

3. Constitution of California, Sec. 22, Art. IV . 1 & 2

4. Constitution of California, Sec. 31, Art. IV . 3 & 4

In the Supreme Court
OF THE
United States

OCTOBER TERM, 1942

NO. 566

GRETTA LAFUENTE,
Petitioner,

COUNTY OF LOS ANGELES,
Respondent.

Preface
MOTION FOR LEAVE TO FILE FIFTH PETITION FOR REHEARING

Presented in good faith and not for delay.

To Franklin Delano Roosevelt, President of United States and to the Honorable Harlan Fiske Stone, Chief Justice, and to the other Honorable Judges of the Supreme Court of United States, I, Gretta Lafuente, citizen of United States, do respectfully motion for leave to file this fifth Petition for Rehearing of my petition for a Writ of Certiorari to the Supreme Court of State of California by the Supreme Court of United States, in order to better present the question in its more technical aspects since it affects so many people and the state's decision is not in accord with applicable decisions of this court. False judicial practice and false standards of government are involved which have so far departed from the accepted and usual course of judicial proceeding as to call for an exercise of this court's power of supervision. The family is outraged. Individual rights are abandoned for the adult children class of citizen which are prejudiced against by discriminating against their right to equal rights to have their rights equally considered before the law.

Reasons for Rehearing:

To avoid repetition please include here also Appellant's *first, second, third, and fourth petitions for rehearing which covers jurisdictions, etc., with this fifth petition for rehearing.*

Please see the Constitution of Calif., Art. IV, Sec. 22, quoting:

SEC. 22. No money shall be drawn from the Treasury but in consequence of appropriation made by law, and upon warrants duly drawn thereon by the Controller; and no money shall ever be appropriated or drawn from the State Treasury for the purpose or benefit of any corporation, association, asylum, hospital, or any other institution not under the exclusive management and control of the State as a State institution, nor shall any grant or donation of property ever be made thereto by the State; *provided,* that notwithstanding anything contained in this or any other section of the Constitution, the Legislature shall have the power to grant aid to the institutions conducted for the support and maintenance of minor ORPHANS, or half-orphans, or ABANDONED children, or children of a father who is INCAPACITATED for gainful work by PERMANENT PHYSICAL DISABILITY or is suffering from TUBERCULOSIS in such a stage that he can not pursue a gainful occupation, *or aged persons in indigent circumstances*—such aid to be granted by a uniform rule, and proportioned to the number of inmates of such respective institutions; *proided,* that the Legislature shall have power to grant aid to NEEDY physically handicapped persons not inmates of any institution under the supervision of the State Department of Institutions and supported in whole or in part by the

State or by any institution supported in whole or in part by any political subdivision of the State; *provided, further,* that the State shall have at any time the right to inquire into the management of such institutions; *provided, further,* that whenever any county, or city and county, or city, or town, shall provide for the support of minor ORPHANS, or half-orphans, or ABANDONED children, or children of a father who is incapacitated for gainful work by PERMANENT physical disability or is suffering from TUBERCULOSIS in such a stage that he can not pursue a gainful occupation, or aged persons in indigent circumstances, or needy physically handicapped persons not inmates of any institution under the supervision of the State Department of Institutions and supported in whole or in part by the State or by any institution supported in whole or in part by any political subdivision of the State, such county, city and county, city, or town shall be entitled to receive the same pro rata appropriations as may be granted to such institutions under church, or other control. An accurate statement of the receipts and expenditures of public moneys shall be attached to and published with the laws at every regular session of the Legislature. [*Amendment adopted November* 6, 1928]"

Money cannot be given by the State to *children* unless they are ORPHANS, ABANDONED or unless of a *"father who is incapacitated for gainful work by* PERMANENT PHYSICAL DISABILITY *or is suffering from* TUBERCULOSIS *in such a stage that he cannot pursue a gainful occupation."* Indeed, the father would have to be *"in indigent circumstances,"* as also *"aged persons* must be in *indigent circumstances."* Let us recall parent and children are classed in a reciprocal

position in California. INDIGENT they must both be to get money from the State. The point here is that the Constitution of California shows by it especially specifying that it considers only completely destitute people, indigent, *by pointing out* PERMANENTLY PHYSICALLY *handicapped or* TUBERCULOSIS *in such a stage that he cannot pursue gainful occupation.*" The wording in the law classifying COMPLETELY to the depth of indigent circumstances a person must be in to receive aid.

Also please see Calif. Civil Code, Chap. I, Sec. 206:

"Reciprocal duties of parent and children in maintaining each other. It is the duty of the father, the mother, and the children of any poor person, who is able to maintain himself by work to *maintain* such person to the extent of their ability.

The *promise* of an adult child to *pay* for necessaries previously furnished to such dependent is binding."

Also please see California Constitution, Art. IV, Sec. 31, quoting:

SEC. 31. The Legislature shall have no power to give or to lend, or to authorize the giving or lending of the credit of the State, or of any county, city and county, city, township or other political corporation or subdivision of the State now existing, or that may be hereafter established, in aid of or to any person, association, or corporation, whether municipal or otherwise, or to pledge the credit thereof, in any manner whatever, for the payment of the liabilities of any individual, association, municipal or other corporation whatever; nor shall it have power to make any gift or authorize the making of any gift, of any public money or thing of value to any individual, municipal or other corporation

whatever; *provided,* that nothing in this section shall prevent the Legislature granting aid pursuant to section twenty-two of this article;"

Also please see Assembly Bill No. 1994, Sec. 8f, 2160, amended to read:—(Those eligible for aid)

"Who is not receiving *adequate* support from a husband or wife, or child able and responsible under the laws of this State to furnish such support (addition by amending from hereon) free board and lodging supplied to an applicant because of his necessity, *by a friend* or a relative who is *not responsible for his support shall not be ground for refusing aid.*

This infers that aid should be refused if support is furnished by a relative who is responsible for his support.

Notice also the wording still specifying adequate support as *the only kind demanded* that one give his dependents. This does NOT infer cash payments.

The California Legislature has raised the aid to the needy to fifty dollars a month. This is higher than any other State in the Union. Is that just their cute form of false advertising? Has the State the intention of paying or do they expect to take the glory and get the money out of the children after they have robbed them, taken the loyalty of their parents, and broken up the home circle which was about the only security people had left in this age. It is a crime and a shame as old people become aged, the sweetest time of their life, surrounded by their family, for governmental trickery to put them in such a position, or is the new philosophy to get rid of the children? What problems ahead of us! The church and the school never yet have been able to do the work of the home.

Please notice that in spite of the fact that Appellant's brief was in the hands of this court, the California Legislature did not do one thing to make it impossible for such an outrage to be committeed on other homes. The law remains the same. It is all too terrible to believe. Already it was a compromise giving only aid to the needy when pensions were claimed, for but to shift the load which great taxpayers who created it feel too heavy for them to bear on to those less able to bear it than they, and on top of that breaking up the home circle in order to carry out their purpose, is trickery of the most ruthless type.

Following is a dramatization of the situation which they have created to save themselves money:

At the adult child's home, the adult child indignantly says:

"We must forget grandmother and grandfather, my child, they were disloyal to us; they have disgraced us."

While at grandfather's home:

"We must disown our daughter, Mother. We can get more from the State than from her. Yes, I know she could always be trusted and to get more for ourselves we leave her hard-worked-for home embarrassed, though she was once a darling daughter. Now, turn the lock on her, Mother. Oh! Oh! We can get more from the State, Mother! Turn the lock on her, Mother, we can get more from the State, Mother. We can get more from the State."

Applause by the Supreme Court. Silence means consent.

The Federal Bureau of Investigation fights against the destruction of the home. Is the Supreme Court of

United States not going to give a home a trial? Preserve the home as the most sacred and most constructive force in the community! It is our duty to society to build on it as the most important resource of our country. The nation's manpower will never be stronger than its homes. We must build them, not destroy them, in order for this country to gain in spirit for the struggles now and ahead. The home is the pulse of the nation.

Though all our fate hangs with the great, yet it has been found throughout our history that it is well for the great never to lose sight and understanding of any class of individual.

The SABOTAGING of an American home has been completed. Its wilful injury and destruction has been accomplished through apparently accidental means! What has happened is too dramatic to be passed off. Human beings by nature do love to manage the affairs of others, but this is more than just unsporting. A public school teacher has been attacked. Similar tactics were used in invaded countries to get rid of and destroy public officers known to be in sympathy with the Allied cause.

There is every technical ground for hearing this case. Unusual considering it from the first visitor from the Los Angeles Department of Charities who so strangely tries to get Appellant to sign that she cannot support her father, linked with the fact that the father had received money already from them secretly for two years. Then when Appellant refuses to enter the conspiracy, for three more years they secretly give again and finally show that perfect premeditated plan for destruction. Was there an enemy? Keep that necessary "Eternal Vigilance." Destruction has succeeded. WE

ARE INVADED! Even the theory that every class of citizen stand on their own worth is disregarded by this court's condemning adult children by their silence, to be belittled and domineered by governmental officials. Laws or their intent no longer mean anything but loopholes opened for Nazi activity. Their activities even protected by such a situation not being corrected. Make no mistake, this is a Nazi victory and if no questioning, plotting is protected.

Never mind how much blood we spill with the tools of our mass production machinery, it will still be a Nazi victory unless our deeds are sanctified by our cause for which we should stand upholding our ideals steadfastly. Otherwise, we are declaring by our silence that decency, honor, responsibility, are no longer virtues. Instead, in order to stay alive one is expected to indulge in dishonesty, trickery, intrigue; scheming and conspiring with whatever governmental official happens to contact one, be he right or wrong; NAZI FASHION. Otherwise, one may expect to be attacked, blackmailed and given over to the human scavengers who gloatingly coax on destruction as they hide in wait ready to slink out to lap up.

How disgracefully Appellant has been treated! Diligently has she spent a lifetime to build up a home.

Now no parents, no protection by the law, an orphan, a widow, her son in service, training to fight presumably for human rights while his mother is without rights or protection from her government at home, robbed and penalized because she would not enter into a conspiracy and sign that she could not support her parents in her home. Divide to conquer! By the way, after they finish destroying and bleeding Appellant,

what if something happens to her sick sister? Have they planned where these parents would go? They would have no right to that home where they are then. Do you think this husband would let them live there when he no longer is forced to provide for his wife?

While all over the world we fight for a rebirth of the ideals we esteem; of respect for humankind, at home we are callous to the rights of others and stand by to the point of neglecting duty to let classes of individuals be wrongfully deprived of individual rights; be wrongfully destroyed and stripped of those rights common decency has secured for all classes of individuals heretofore. Such hardened insensibility is not the heart of America. High idealism and respect for every class of individual is the true America which will have to be reckoned with before the end. Scalawag ruthlessness cannot stand. IT IS FOR A BETTER WORLD WE FIGHT!

Are all classes of individuals still something, or may certain groups become nothing? If there are any classes of us which feel that they are above and safe from discriminatory acts and that therefore they do not have to keep that necessary vigilance for their classes' individual rights, pray let them listen to the unsuppressible voice of the ages which claims for the milk of human understanding. That voice is a part of us all: "Do ye unto others as ye wish to be done by."

ALL CLASSES, (great taxpayers included), as was true of our ancestors, at one time or another need to recall as well as share the security of such mutual understanding and protection. It is a protection which as certainly as there was once a need for a Magna Charta, will function. This adherence of man to his ground

work ideals is stronger than any power that ever was or ever will be. Let those who thirst for exaggerated powers forget not our foundation truths, which humble us all to the great waves of centuries which formed them and shaped them to our likeness and purpose. No class of individual is above the need of these. No class should be prejudiced against by being refused such shelter. "Do ye as ye wish to be done by." Equal rights before the law to all classes of individuals!

Joined to the subversives thus also the GREAT TAX-PAYERS, feeling they cannot afford the load they have created, shift it on to those less able to bear than they, even WILLING TO DENY DEMOCRATIC PROCEDURES TO DO IT.

With great hardship and sacrifice Appellant has finally succeeded in completing her duty. The responsibility is now yours! After being taken out of her teaching profession for four months, now her salary has been attached so that Appellant isn't sure that she and her son shall even continue to eat, especially since it has been proven to her already that laws no longer mean anything. But she is absolutely positive that slick subversive forces do! You can see that instead of appreciating her trying out this new law in the courts at her expense with great sacrifice as we who believe in DEMOCRATIC PROCEDURES believe it is one's duty to do, they attempt to stop her by force. Certainly these strange matters had to be brought before this court. Yet they have tried in every possible way by threatening and now by forcefully stopping her even when it is so near the end of the 1942 Court Term. Her salary was attached April 30, 1943, when a brief was then in your hands.

THE RESPONSIBILITY IS NOW YOURS.

The battle waged by our soldier boys will mean nothing if we do not do our part at home, where the real battle is waged in idealism which is the only battle in the end.

Wherefore, your petitioner, respectfully prays that certiorari be granted.

Dated: Los Angeles, California, May 21, 1943.

Respectfully submitted,

GRETTA LAFUENTE,

In Propria Persona